



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

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(Vacant)
Commissioner

(Vacant)
Commissioner

Angela Camacho
Acting Administrative Director

REGULAR MEETING MINUTES

CLTC Conference Room
Suite 223, ITC Building, Tamuning, Guam
Thursday, July 28, 2022, 1:00 PM
Public Notice: The *Guam Daily Post*, July 19, 2022, and July 26, 2022

Chairman John F. Reyes, Jr.: Good afternoon, everybody. Thank you for your patience just waiting on kind of collaborating on all the cameras here so before we get started, let's go ahead and start with the Inefresi, if we can all please stand. And I would also like to before we actually recite the Inefresi just a quick moment of silence. As we all know, the office had lost one of our colleagues, Ms. Lorraine Nededog about a couple weeks now and just want to do a brief moment of silence and all our loved ones that we have lost.

Chairman J. Reyes, Jr.: Okay, thank you for that and Commissioner Herrera if you could please lead us in the Inefresi.

Commissioner David Herrera: Leading the Inefresi

All: Reciting the Inefresi

CALL TO ORDER

Chairman J. Reyes, Jr.: Okay, thank you again. The time is 1:12 and I call this meeting to order, Regular Board Meeting of the CHamoru Land Trust Commission and I would do a quick roll call.

ROLL CALL

Chairman J. Reyes, Jr.: Commissioner Bordallo

Commissioner Arlene Bordallo: Here

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

Commissioner D. Herrera: Gaige yu'

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

Attorney Nicolas Toft: Here

Chairman J. Reyes, Jr.: Thank you, sir. And Administrative Director Angie Camacho

Acting Administrative Director Angela Camacho: Here

Chairman J. Reyes, Jr.: Cool, thank you very much. Okay so public notices for today's meeting were published in the *Guam Daily Post* on July 19, 2022, and July 26, 2022, notices were also

posted online on the CHamoru Land Trust website at dlm.guam.gov, the CHamoru Land Trust Commission's Facebook page and the Government of Guam Public Notice Portal at notices.guam.gov. This meeting is being live-streamed on the CHamoru Land Trust Commission's Facebook page and on YouTube at GovGuamLive, video and audio recording are also made possible by our partners at KGTF.

APPROVAL OF MINUTES

Chairman J. Reyes, Jr.: Okay, first item on the agenda or third item on the agenda, sorry is the Approval of Minutes. And that's for the April 21, 2022 meeting. I did have one question before we move to those minutes; is this the only set of meeting minutes we have left?

Administrative Assistant Tina Tainatongo: No, we still have December but that has been I guess we decided that we're just going to submit what was originally submitted and May.

Chairman J. Reyes, Jr.: May?

Admin. Assistant T. Tainatongo: May

Chairman J. Reyes, Jr.: Okay, alright so we have two outstanding, okay, thank you, just wanted to clarify which ones we had outstanding, thank you very much. Okay, Commissioners, so, we do have in front of us April 21, 2022, meeting minutes and I will leave us some time to review and any questions so anybody. And just real quick if I can ask Jhoana or Jessica just to double check if we're good on the Facebook side on our page. Thank you, I forgot to ask that earlier.

Land Agent II Jhoana Casem: Ms. Jessica will be coming over.

Admin. Assistant T. Tainatongo: Are we clear on the Facebook?

Side conversations – Facebook info – PBS room sound mic check

Chairman J. Reyes, Jr.: Okay, alright, sorry about that Commissioners just minor sound check there. So, for approval is the minutes; so, any questions?

Commissioners: No questions

Chairman J. Reyes, Jr.: Okay, no questions for me either. Angie?

Acting Administrative Director A. Camacho: No, we addressed them and Tina worked it out.

Chairman J. Reyes, Jr.: Okay, thank you. So, if we would like to proceed with a motion to approve the minutes?

Commissioner D. Herrera: I would like to make a motion Mr. Chairman to approve the April 21, 2022, minutes.

Commissioner A. Bordallo: I second.

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

Commissioners: None

Chairman J. Reyes, Jr.: Okay, hearing none, motion passes to approve the April 21, 2022, meeting minutes of the CHamoru Land Trust regular meeting. Thank you.

OLD BUSINESS

1. MOU with CLTC and Guam Housing Corporation

Chairman J. Reyes, Jr.: Okay, up next on the agenda is our Old Business, the first one is the MOU with CLTC and Guam Housing Corporation, and then Angie, could you help us with this one?

Acting Administrative Director A. Camacho: Sure. So, Guam Housing Corporation is requesting to engage – enter into a memorandum of understanding. What Guam Housing Corporation is trying to do is they're currently – their loans are specific to first-time homeowners but this will change there will be a law and this will allow Guam Housing Corporation to entertain lessees who are not first-time homeowners. I communicated with Attorney Toft if he has any concerns...it's supposed to mirror, I have to say, it's supposed to mirror our memorandum – our MOU with the VA office. There's minor changes here because under the VA we do not guarantee. This allows us – it says, we may or may not guarantee that's the one difference that's I noticed here, other than that

Attorney N. Toft: Yes, if I can chime in a moment, Ms. Camacho did bring up one point which was accurate but under .5B there's a language that talks about GHC having the ability to resell the lot or dwelling or both and we both agreed that they do have the right to resell the dwelling but not the lot underneath it because that would remain the possession of Chamoru Land Trust.

Chairman J. Reyes, Jr.: Right

Acting Administrative Director A. Camacho: So, what we may want to do, Nic, if I'm not mistaken, we might want to do some changes to this and go back to Guam Housing Corporation because they've already...

Attorney N. Toft: Yeah, we can do that, some minor changes.

Chairman J. Reyes, Jr.: Okay, and I think one of the clarified questions for me, was that in the language to allow GHC to provide mortgage home loans to eligible beneficiaries who may not be a first-time homeowner right and who currently own Land Trust property in order to construct a home on Land Trust property for the benefit for the residence of Guam. So, my understanding is those are priority twos or those would be considered priority two so if they're a priority two and they have an existing home and property and they get issued and then they can apply

Acting Administrative Director A. Camacho: That's what this will

Chairman J. Reyes, Jr.: That's what this will allow but however we have to get through all the priority ones even before we move into any priority twos, correct?

Program Coordinator IV Joey Cruz: That's only for residential.

Chairman J. Reyes, Jr.: Correct

Program Coordinator IV J. Cruz: Agriculture we don't consider any priorities. So, you can own a private residential lot and still get an agriculture lot with us but I think the intention of this MOU is to open up to those who also have an agriculture lot but because before we can proceed with approving any type of construction of a residential dwelling, they have to meet the two-thirds requirement of farming.

Chairman J. Reyes, Jr.: Right, from the agriculture perspective. So, Commissioners, I think the key thing is just to make sure that we send our edits over with the help of Attorney Toft and just making sure that we take into consideration the priority twos and how that's going to be managed. You know, it may not necessarily be spelled out here but maybe in our processes and procedures and how to handle it right when we do enter into this MOU, right? And so that was my only concern, I know we kind of touched on this a little bit in the initial meetings. And so, yeah, those are the things if we could get that pretty quickly to Guam Housing and if we can address this in our next meeting but I just leave some time for our commissioners if they have any additional questions.

Commissioner A. Bordallo: None for me

Chairman J. Reyes, Jr.: Okay, so we'll look for those proposed changes and then maybe you know, do back and forth with Guam Housing before it comes back to us.

Acting Administrative Director A. Camacho: I think they're just minor changes that we would like to include into the MOU.

Chairman J. Reyes, Jr.: Okay. And then Commissioners, more so just to question that this is something that we would like to proceed with and entertain, correct? Yeah, okay. Alright, thanks, Angie. So, if we could get that sorted through and then do the back and forth and then we can address this and hopefully close it out in our next meeting. Okay, Commissioners, anything else in that? Okay, thank you.

2. 1995 application status

Chairman J. Reyes, Jr.: Next item on the Old Business is our '95 application status. So, Mr. Cruz if you could join us and we could get through that one?

Program Coordinator IV J. Cruz: Good afternoon, Mr. Chair, Commissioners, Acting Director Camacho, and Attorney Toft. So, initially, there was 181 – 187 next-in-line applicants that were pulled from the database for us to vet. There were some issues, for example, the applicants who had switched dates and times. So, what we've done is we went back and we decided that we're going to work on the first 30, it's more manageable for us. Not only that, even if we contacted them, they may have not provided the documentation we requested. So, within the next week or week in a half, we'll be sending out certified letters. The letter initially will be reviewed and approved by Attorney Toft before we send it out but also within our rules and regs, we're required to publish it in the newspapers within 3 days after the certified mail is sent out, from there we have ninety days and we use ninety days to respond to provide us with whatever we need. If there's no response, we'll gather that listing and present it to the board to remove from the waiting list which is allowed by our rules and regs, so we're not held up, and a week after that we'll do another 30 so, every week we're looking at sending out 30

names until we reach the first name on the null and void listing because that hasn't been resolved yet.

Chairman J. Reyes, Jr.: Okay. So, if I hear this correctly, the original I think it's 187 that the team had gone through and started making contacts, now we're going to add another layer of communication in kind of chunks of 30 until we get to someone who may or may not be or who may be on the null and void list?

Program Coordinator IV J. Cruz: And then we'll stop and we'll come back to the board to see if they have decided how we're going to approach the null and void listing and provide a copy of the Attorney General's opinion to the board for their review and then we can go from there.

Chairman J. Reyes, Jr.: Okay, and with that said, can you remind me again, what's the communication channels for the first 30 so that it's...?

Program Coordinator IV J. Cruz: Initially the team had initiated contact through telephone, whether they were contacted or not, we're going to move on to sending out certified mail as required in our rules and regs.

Acting Administrative Director A. Camacho: May I *inaudible* Mr. Chairman, it's my understanding and I assisted as well they did make telephone contact but we also published it on Facebook page and we also issued the list to the mayors' offices but in addition to that the rules and regs

Program Coordinator IV J. Cruz: We're *inaudible* so we ensure that we're complying with our own internal rules and regs which is providing certified mail, publishing in the newspaper, giving them 90 days to respond to provide the documentations that we are requesting. In the event they should not respond or provide then we'll put that listing together to remove from the waiting list so we can keep moving on.

Chairman J. Reyes, Jr.: Okay, and so after the certified mail, we go into the newspaper – advertising?

Program Coordinator IV J. Cruz: We publish those in 3 days of the date of when the certified mail was sent out so it's a little planning put into this. We got to make sure we meet all of the required – requirements.

Chairman J. Reyes, Jr.: Okay, so, that sounds like a good plan. So, every meeting, every month we'll probably get an update, right, because of the timeline that we're working with. So, after certified mail is immediately 3days is going to be an ad and then what's the waiting period before if we have no response?

Program Coordinator IV J. Cruz: 90 days, I believe it's 90 days, we have to provide them 90 days.

Chairman J. Reyes, Jr.: Okay, but it's going to be 30 at a time?

Program Coordinator IV J. Cruz: Yes.

Chairman J. Reyes, Jr.: So, is the next 30 then after that 90-days or...?

Program Coordinator IV J. Cruz: 30 will be the subsequent week. We're trying to plan it out like that so after the first 90-days is reached then the week after then so forth

Chairman J. Reyes, Jr.: Okay, so just to make sure right we're working with both the '95 agriculture and residential and merging right because that's kind of sequential order?

Program Coordinator IV J. Cruz: We pulled the listing not based on application type but based on when the commission received the application so their date and time so, the first can be residential the next ten could be agriculture then the next twelve is residential

Chairman J. Reyes, Jr.: Okay. At what point in those lists aside from null and void would be any other things that would hold us back from communicating or further outreach?

Program Coordinator IV J. Cruz: I believe only the null and void will be the setback.

Chairman J. Reyes, Jr.: Okay, and then of course if they for some reason already have a lease of sorts

Program Coordinator IV J. Cruz: Those leases may not have been ratified, they may have been – could have been on unregistered property or they could have requested to deny the lease. There's many – there are a few variables that may be related to the lease issuance but nonetheless this process we should correct.

Chairman J. Reyes, Jr.: Okay, so, that's good news in regards to us moving forward with the '95s. Now, of course there's the eligibility process and so I think that is what we'll be addressing later on?

Program Coordinator IV J. Cruz: Next

Chairman J. Reyes, Jr.: Next, okay. Sorry, Commissioners I kind of took all the questions. But I'll turn it over to our commissioners to ask some questions.

Commissioner A. Bordallo: I have one. Publication – do you do publications on the Daily Post?

Program Coordinator IV J. Cruz: It's either or. We switch it off – it won't be one specific one we have a blanket purchase order that was awarded to both PDN and the Post so we switch it off monthly – it's not one specific.

Chairman J. Reyes, Jr.: Will be include – sorry, Joey. Will we include these publications maybe as a copy of that on our Facebook page just so that it's an additional – yeah? Basically, just taking the artwork from PDN or Post and putting on Facebook as a

Program Coordinator IV J. Cruz: The publication along with like I said, the letter will be run through Attorney Toft prior to us mailing out or publishing to ensure that we don't violate anything.

Chairman J. Reyes, Jr.: Okay. Do we have room or a space for it to on our CLTC website under DLM?

Program Coordinator IV J. Cruz: I believe so. We can work that out through with OTECH.

Acting Administrative Director A. Camacho: And in addition, the team is putting it again at the mayors' offices so we'll continue that same distribution just so that we're doing everything we could possibly think of to reach all those applicants.

Chairman J. Reyes, Jr.: Okay, awesome, great. So, that will take us further into the list of the '95's because again, I remember the non-contacts was pretty high a pretty high number considering and of course the next step is then the eligibility and then the readiness of our constituent so.

Program Coordinator IV J. Cruz: Sir, if I may, we're going to include even the people who were contacted so we're going to start from 1 through 30.

Chairman J. Reyes, Jr.: Correct. Yes, so even if we make contact we're just going to go through the process. Okay. Commissioners, any questions? Okay, I don't have anything else, Angie?

Acting Administrative Director A. Camacho: No, I think that that sounds like a good plan.

Chairman J. Reyes, Jr.: Thanks, Joey. Alright, so then, Attorney Toft, any questions on your end just from a....

Attorney N. Toft: No, none on my end.

NEW BUSINESS

1. *CLTC eligible beneficiary process*
2. *Affidavit & checklist for approval of the eligible beneficiary process*

Chairman J. Reyes, Jr.: Okay, the next item is our New Business. So, I think this will carry on with our discussion with the '95s applications which is the eligible beneficiary process and so on and so forth so we'll start with that. Go ahead, Joey, thanks.

Program Coordinator IV J. Cruz: Before you you have a one of the components of our SOP that we are updating which is the eligibility process. What we did is we took the information from public law 35-112 which is what resulted from the settlement agreement to change and create Chapter 75A. This process is very detailed and step by step as to how *inaudible* of processing the application for eligibility what they should follow. There's nothing in here that is added or we didn't change anything from the law it's just about verbatim or summarized in a sense so we will like the board to consider approving this process so that we may apply it immediately. I mean we've been applying it but we're documenting it now and it'll be a part of our updated SOP. But, if I may, there's the forms that also go with the process which is item 2 and 3 which is a part of the eligibility process. Item 2 is the affidavit and checklist; the affidavits were created to confirm with the requirements if in the event that we're not able to find anything through the John Bohn files or the district court listing or the district court's taking listing or anything like that whatever resources we have available to conduct the research for our constituents. They're able to either choose to file out the affidavit of owner form which also we standardized and it's labeled as CLTC AFF-001 or the affidavit of eligibility occupied, farmed or ranched form that has also been standardized as CLTC AFF-002 in the event that the people who are conducting the eligibility process cannot find any information under the constituent or their heir or the ancestors so they have the option to fill out either form.

And then the other document that's also part of the forms is the checklist and that checklist is also detailed and it also coincides with the eligibility process and even mapped out. The reason why we created a checklist form is to hold the people or the personnel who is conducting the eligibility review to hold the supervisor and the director accountable and we hope that the board if possible, can delegate this process to the administrative director.

Chairman J. Reyes, Jr.: Okay, so we've got the eligibility process, we've got the checklist, the affidavit checklist and then the affidavit and the checklist.

Program Coordinator IV J. Cruz: They all work hand in hand.

Chairman J. Reyes, Jr.: Now, there's two different – there's a difference so they can do either or

Program Coordinator IV J. Cruz: Owner or

Chairman J. Reyes, Jr.: Owner or the occupied, farmed or ranched, right?

Program Coordinator IV J. Cruz: Yes

Chairman J. Reyes, Jr.: I mean that's all-in line with the settlement agreement, right?

Program Coordinator IV J. Cruz: There's just one thing that we may or we would like to bring up is the form is what's created based on the law; now, for example, if I was to come in and I could fill out items 1, 2 or 1,2 but not 4 or not the date the land was acquired by the United States; is the board going to allow us to accept that as a complete document still or they need to fill out the form in its entirety?

Chairman J. Reyes, Jr.: And you're under owner right - you're in the owner?

Program Coordinator IV J. Cruz: Yes, under owner but it also could work under the occupied, ranched or farmed if they're not able to fill out certain information

Chairman J. Reyes, Jr.: But the team, right will do our best to help to grab all that information right and then when this gets.... So, if we delegate that authority from an eligibility – approval of eligibility to the administrative director, right, that's on the administrative director to ensure that we have all the information

Program Coordinator IV J. Cruz: Which is reflected on our checklist

Chairman J. Reyes, Jr.: And if at any point there's anything that's questionable or maybe needs to be taken up through to board and that's when we bring it up and will that be the final determination whether or not we accept it from an eligibility standpoint? Let's say a piece of information is missing.

Program Coordinator IV J. Cruz: That could be or the board can decide what could be acceptable when it comes to this type of or these forms, that's why we brought it up. Because we may get some constituents that come in that we may not - the team may not be able to find any information regarding their ancestors and they opt to fill out the affidavit of occupied, farmed and ranched so they could probably fill out all the information except for like the legal

landowner or the length of time person or persons listed above continuously occupied, farmed or ranched... you know, we don't know but there's

Chairman J. Reyes, Jr.: Many scenarios, right?

Program Coordinator IV J. Cruz: but there's a chance that they may not be provide one piece of information that's needed on the form.

Acting Administrative Director A. Camacho: May I?

Chairman J. Reyes, Jr.: Yes

Acting Administrative Director A. Camacho: I think that what I'm seeing though is for example, with an owner it's usually we look into the John Bohn files so that in that case we can pretty much complete, right?

Program Coordinator IV J. Cruz: If we should find something there is no need to fill out the affidavits, we just move into them printing it out and attaching it, completing the eligibility checklist, forwarding it to the director I mean to the supervisor for their review and if that's all-good forward it to the director for approval if the board should delegate that authority to the director.

Acting Administrative Director A. Camacho: So, I think if it's complete, if there is that court document that can substantiate that

Program Coordinator IV J. Cruz: There will be no need for that

Acting Administrative Director A. Camacho: Yeah, I just think in that case, I'm very comfortable in making that decision. You can check off all the boxes, I think that personally if something is missing, I would like it to come through the board. Let's see how it goes, if it's a bottleneck you may decide at that time to give the administrative director that authority but I just think let's approve it if it's complete if it's not we'll come back to the board and present it for your consideration

Chairman J. Reyes, Jr.: Review and approval

Acting Administrative Director A. Camacho: Yeah

Program Coordinator IV J. Cruz: Maybe like a partial authority or something like that

Chairman J. Reyes, Jr.: Right. I think for me, when it comes to the affidavit right it's basically, they're signing and attesting that the information that they're providing is true and fact, right? Now, if there's about 12 questions or let's say 11 questions here right and there's got to be a point where we should review it if they can only answer 3 of 11 or 5 of 11 is a 50% that can be answered or filled in because from us from our – I'm going to speak for myself right, from my perspective there's got to be something for the board to kind of hang their hat on if someone is attesting and signing off on an affidavit however they can only fill out 25% of the information that's needed. Do we know or can we determine what is required versus what is not necessarily that it's not important but things that we can substantiate that is if we make it required, right? So, if we require number 1, 7, 5, 8 and 9 so those have to be filled out, those have-to-have information and then everything else will be and additive to help support right.

Program Coordinator IV J. Cruz: I believe or not believe but I know these forms were created through the items listed in 75A is what's required. The only thing that is or is the parcel number, address, legal description or other identifier. And Attorney Toft can chime in on this but this was created based on the requirements of the 75A. Our only concern

Attorney N. Toft: Yeah, that's.... sorry, I'll chime in. Yeah, that's correct, the affidavit was created based on 75A, the applicant was required to use their best efforts to fill it in and once they've filled it in, the commission is supposed to review all the documentation, the declarations, the affidavits, and make a determination based off of that – just off of their best efforts.

Chairman J. Reyes, Jr.: Right, okay. So, Joey, could we do that to your point where you said based on 75A, these are the you know maybe put an asterias by these are required and then everything else right that you were just mentioning that are not necessarily required but it'll be an option or it's optional if they have that information. But, even with the affidavit right for occupied, farmed or ranched our staff will also assist or guide our constituents of where to get that information, how to request it, right our partnership with GALC, etc..., right?

Program Coordinator IV J. Cruz: Initially, our staff will do all the research does all the research so if our staff is unable to find anything from the John Bohn, district court listings, the land web, or GALC John Bohn judgment files it's highly unlikely our constituents will find anything.

Chairman J. Reyes, Jr.: Unless they have something in hand that helps. The affidavits don't come into play unless they've exhausted all their resources.

Acting Administrative Director A. Camacho: Mr. Chairman, so, I know that we have a couple of team members who are proficient at this and we'll have them train everybody on the team so that everybody can do the research but I think that the girls that have been doing this have a good grasp

Chairman J. Reyes, Jr.: Okay of how to get this information.

Program Coordinator IV J. Cruz: Also, our eligibility process like in our SOP spells out the steps to take so, in the event that they aren't successful in the John Bohn files, the land web and the GALC John Bohn judgement files they move on to step two which is the affidavit but if they are successful, they move on to step three and they start requesting for documents. So, our concern was that to ensure that there's consistency as we review the affidavits; what would be the minimum requirements if the board should decide there is a minimum requirement like they're not able to fill out 50% of the document but they're attesting and it's to the best of their knowing they're filling out best they could. So, you know we just need to – I'm not saying you need to decide now but just something to think about because for instance if a constituent comes in and can't fill out the whole entire document or all the information, we may reject it because it's incomplete. But if the board decides, well this is to the best of their knowledge it didn't – it's lacking some information and you're going to accept it then we – the staff can prepare everything fills out the checklist forward it to the supervisor and then to the director and then do what we need to do next.

Chairman J. Reyes, Jr.: Okay. I think as we formalize and we have the '95s and the thirty batches at a time, those are going to start coming in and we're going to have to start to fill out

all this information, I think that's where we get a good gauge right? To see what does that – what do those documentations look like? Is our constituents primarily doing the owner document and then maybe only one or two on the other in the ranches, farmed or....?

Acting Administrative Director A. Camacho: Mr. Chairman, if I may, we're not waiting for their time and date to come. If they come in and for example, they're beneficiaries we go ahead and process.

Chairman J. Reyes, Jr.: Right, we're doing this today, we're just formalizing it and putting it into a process, right?

Program Coordinator IV J. Cruz: But it's also going to apply to those who are going to be named as beneficiaries or they want to transfer their lease because they have held it for seven years so this process is going to apply to everything else.

Chairman J. Reyes, Jr.: Yeah, and this has been in use we're just kind of putting it to the board and make sure it's formalized. My question, before I forget. Attorney Toft, have you had a chance to review these docs for the team?

Attorney N. Toft: Yes, I have.

Chairman J. Reyes, Jr.: Okay, and you're pretty confident we've covered all our bases in regard to 75A?

Attorney N. Toft: Yes.

Chairman J. Reyes, Jr.: Okay, alright thank you. I'll yield some time to our commissioners.

Commissioner D. Herrera: This is in electronic form?

Program Coordinator IV J. Cruz: Yes, it is.

Commissioner D. Herrera: And we can have it in both electronic and hardcopy?

Program Coordinator IV J. Cruz: For...?

Commissioner D. Herrera: As they fill questions and answer. Is it being posted in an electronic type for *inaudible* constituent want?

Program Coordinator IV J. Cruz: If it's approved and everything, the affidavits will be available like every other form online. If not, we'll have hard copies. Since you brought that up, we also have plans to create little kiosks out there for *inaudible* for our constituents so they can start filling out forms on the computer so it will be available.

Commissioner D. Herrera: So, let's say a constituent fills out 1, 2, & 3, that will be automated at that same time or transposed? Is it hard copy or...?

Program Coordinator IV J. Cruz: And they can print it. If I'm understanding correctly.

Commissioner D. Herrera: So, I come in and I say, Joey, I want to apply because I'm the beneficiary for Tun Jose in 1898, they will fill this out by hard copy?

Program Coordinator IV J. Cruz: Yes, but first the staff will go through the John Bohn files and all the process

Commissioner D. Herrera: That's right but this is not a first come first serve? This is for anybody that *inaudible* 1898 to 1968?

Program Coordinator IV J. Cruz: Anybody who is an applicant, a named beneficiary or a transferee this will apply to them now.

Commissioner D. Herrera: Got it. So, it's automated and hardcopy?

Program Coordinator IV J. Cruz: Yes.

Commissioner D. Herrera: So, second question is that can we add a routing slip that goes with the applicants' time to know when the paper goes to land agent one in the first month and then land agent one does their research or let's say one week, one month that this process is being documented that this land agent took 30 days – 60 days or 90 days to perform that research with John Bohn files or... you know what I mean the timeline?

Program Coordinator IV J. Cruz: What we did

Commissioner D. Herrera: To understand where the documents are going and a timeline it takes for it to go from point A to point C.

Program Coordinator IV J. Cruz: We'll include that in our checklist so at least we'll know right, or the supervisor will know the timeline

Commissioner D. Herrera: Right, yeah. And *inaudible* as they the land agents contacts *inaudible* or ancestral lands that those are documented. *inaudible* communication and who they communicated

Program Coordinator IV J. Cruz: Yes, we'll work because we also have a status form in the file which they use to document the actions that are taken or that they if they communicate with the constituent then that's when they will put in the status information sheet in the file. But we can add to your concern we can add the dates in our checklist we can figure out how we'll add that into the checklist and instead of like – we can also include staff recommendation or completion date or something like that. We'll modify the form.

Chairman J. Reyes, Jr.: I think to Commissioner Herrera's point, I think the status sheet I believe is what it's called, without duplicating the effort; how do we then either merge the status sheet or maybe add a couple more date blocks here in regards to the steps that are listed in here, that kind of ties. Because they're always going to update the status sheet, either by phone call, an email, etc..., right? But something that ties may be key or critical dates in our process into the sheet that will help kind of make sure that things are still moving along and how long it's taking.

Program Coordinator IV J. Cruz: Whether it may be... some cases may require more time than others.

Chairman J. Reyes, Jr.: Right, oh yeah.

Commissioner D. Herrera: I'd like to see the gap

Program Coordinator IV J. Cruz: So, on our family tree form there's a date of when the constituent – there should be a section there where the date the constituent signs and dates when they submitted it. In our process, there are timelines that needs to be met. Especially as soon as the constituent has submitted all the birth certificates whatever is needed for us to ascertain that that individual is a descendant of whoever that's on step 4 and step 6, 4,5 and 6. Where there's a seven-day period –three working days and then within 3 days a letter goes out. that letter will be mailed. But to your concern about the initial process of when it's received and how long it takes, we can figure out and add like you mentioned date blocks.

Chairman J. Reyes, Jr.: Yeah, key milestones or key components here like to your point. We received all the documents that goes in the status

Program Coordinator IV J. Cruz: We have 30-days to inform the constituent of their eligibility based on our rules and regs

Commissioner D. Herrera: So, my point there right is the constituent gave for an example gives it today land agent A, one, and that land agent A takes for 30 days and then that document will be sitting idle for 30 days while we're putting the burden of proof from the constituent but the delay was on the agent so then land agent one is on leave for a certain period of time so then that document will go to land agent two – land agent two is sick for two weeks then it goes to another one and I'm saying that because based- I've only been here for about 3 or 4 meetings but I've seen where that gap is and then it was our process was kind of not as smooth as it should be and then you put the burden of stress on the constituent that's my point. Because we're understaffed, some are getting sick every now and then so my point is you got to have that check and balance *inaudible* let's say, that it's not from our commission is at fault because in the end sometimes we tell the constituent, it's your fault. The constituent turns around and say *inaudible* fault – three years – four years we've been going through this but the process is going from land agent one to land agent two – land agent three then four than five than who, that's my point. And I've seen this and it's a trend – it's a trend so we try to insert mechanisms rights, a fail-safe mechanism but we get blocked in because, oh, the constituent should have known 75A public law 35-112 should have known. And when you see the agreement the amount of data or the amount of litigation that it went through, we're expecting the constituent to know – they should know what's in the public law but we're the experts' rights? What I'm saying is that we're just trying to create a fail-safe mechanism on the documents to see the timeline from the time it comes in to the time it gets approved and time and date, that's my point because I see the trend.

Acting Administrative Director A. Camacho: May I? I think that once we accept an application because we're not digitized yet but I think once we get digitized land agents will be able to access in what has transpired in that file. Right now, we're still manual and a file may, it's true, a file may sit on a land agent's desk and you're right we've been dealing with Covid so...

Commissioner D. Herrera: No...no...

Acting Administrative Director A. Camacho: But what I'm saying is or what I'm thinking is to solve this because I agree it's on both sides, it's on CLTC but it's also on the lessee or the applicant or the constituent. What I'm thinking is maybe if we can provide them with an email address which works really well in our agency. There is an admin@cltc and I think we can just once the documents are turned in; we can just say; this is an email address several land agents I believe admin have access to it and we do monitor it. And that's how we find things that have fallen through the cracks, right, somebody has been waiting too long and then they'll email that address and we're able to pick up where somebody left off. So, maybe we can just notify them; in case you don't hear back from us in a week a two please email us so that we can follow up on it.

Chairman J. Reyes, Jr.: And to add to that, there's a layer of accountability too

Commissioner D. Herrera: Right, internally. I'm talking about internally

Acting Administrative Director A. Camacho: Right, no and I agree. Because again I feel that it's both CLTC I mean land agents I see sometimes we've had covid situations they've been out- no fault to them.

Commissioner D. Herrera: And then they will work from the home.

Acting Administrative Director A. Camacho: In covid, they're not working they're on sick leave, right?

Commissioner D. Herrera: Okay, whatever

Acting Administrative Director A. Camacho: We don't really work from home; our office is not working from home. So, if a land agent is sick and not coming to work, it's true things or they go on vacation and they didn't finish their...you know they didn't distribute can you take care of this while I'm out. It's true, I will own. I will own.

Commissioner D. Herrera: That's my point. Who handles that when they're off? I mean we'll get to that case when we reach because there's one case here that we're going to dissect that.

Program Coordinator IV J. Cruz: If I may, to Mr. Herrera's concern I think it's more on the reassignment of task, right? So just so for disclosure, we're in the process of recruiting a land agent supervisor, we're in the process of updating all of our performance evaluations, within our evaluations there will be timelines of when task should be completed so to hold people accountable, if you don't perform to at least a satisfactory you're not going to get your increment. But to his concern but we will add the date blocks to see and maybe to get an average of how long it takes to research one case if everybody is going to end up researching so we take the medium of everybody because some can perform faster than others so we'll take the average of everybody of how long it takes everybody to do research and you know we can use that as our satisfactory performance standard as we go through the performance eval process.

Chairman J. Reyes, Jr.: So, we don't technically have this baseline of; it takes 45 days for a case from beginning to end include all the steps.

Commissioner D. Herrera: It's very fluid.

Acting Administrative Director A. Camacho: Yeah, every case is unique.

Commissioner D. Herrera: Yeah, I've been an agent myself so what I'm saying is every work station here that I visit and I've kind of been visiting here quite some time and I observe the machine that we have so if you say that this is not automated and each one of us has a desktop or a smartphone, right

Acting Administrative Director A. Camacho: They just have desktops, though, nobody, all their phones are personal.

Commissioner D. Herrera: Okay, okay, so let's just say desk top right, this already *inaudible* an automated form so that's what I'm saying *inaudible* have a standard central file where the constituent A comes in it's automatically in the website.

Acting Administrative Director A. Camacho: That's the digitization that we are in the process of working on. We have the TAP grant and we'll talk about it during

Program Coordinator IV J. Cruz: The agency report

Acting Administrative Director A. Camacho: My agency report

Program Coordinator IV J. Cruz: But so far the information availability it is automated through the land web and from the forms that were sent or the information from ancestral

Commissioner D. Herrera: I'm getting a flashback, every time I look at that screen with all the apps there and you cannot digitize today that's what you're telling me

Acting Administrative Director A. Camacho: Yeah, so, it requires scanning and building files

Chairman J. Reyes, Jr.: Yeah but no...

Commissioner D. Herrera: I'm done

Chairman J. Reyes, Jr.: Yeah, but let me just add to that. There's accountability that we want to make sure that is at the forefront right to ensure that we work through these timelines and then Commissioner Herrera I think you'd be pleased to hear about the grant that we got that will help to do some of the digitization to your point. It may not be fully automated; it may take us a little longer but there are efforts to digitize things so that we're not having to ruffle through folders and it's archived on the computer. So, I just wanted to add that in. I think they're going to touch base on that later in the meeting.

Commissioner D. Herrera: Understood, thank you, Mr. Chair.

Chairman J. Reyes, Jr.: Yeah, but definitely from an accountability standpoint is definitely kind of what resounds with the commissioners to ensure that the end to end in handling and both the constituents and also making sure that our land agents is working with them collaboratively to get the information that we need. So, with that said, we do have the

process, the checklist that has gone through with Attorney Toft and these are available in electronic form so they can fill it out electronically as well, correct?

Program Coordinator IV J. Cruz: It will be available.

Chairman J. Reyes, Jr.: Right, okay, just in case the constituent is sitting in front of them you can help fill them out. I don't think I have any further questions. Commissioner Bordallo, any questions from your side?

Commissioner A. Bordallo: A 187 the 30 that you're going to start; what about if someone came in that is not one of 30 that is listed?

Program Coordinator IV J. Cruz: Given for...?

Commissioner A. Bordallo: But is one of the ones

Program Coordinator IV J. Cruz: To...?

Chairman J. Reyes, Jr.: Where they came in and

Acting Administrative Director A. Camacho: For eligibility. We'll process. They don't have to be on the 1995 December 2nd first to process. We're processing even like Joey mentioned earlier, people transferring their leases, we'll process those who are successors or beneficiaries to leases, we'll process them, we'll process anybody who puts in an application today. We'll guide them

Chairman J. Reyes, Jr.: For eligibility

Acting Administrative Director A. Camacho: We'll guide them to... we don't want to hold up. It's in their best interest and we encourage them even. You know, let's get you processed, let's get you to meet your qualifications so that when your time comes up, we can entertain quickly.

Commissioner A. Bordallo: For example, the former owners where the airport is the landing

Commissioner D. Herrera: Yeah, right the landing field

Commissioner A. Bordallo: The air field, the former owners they didn't get the land returned so they're eligible.

Acting Administrative Director A. Camacho: That's correct.

Program Coordinator IV J. Cruz: But the lease will not be presented to the board for approval until their date and time is reached, that's the only.

Commissioner D. Herrera: And we have how many applicants on

Program Coordinator IV J. Cruz: Pending? Pending, I think about... we have a total of I think like eleven thousand some applications

Commissioner D. Herrera: So, eleven thousand and one Tiyan came in there'll be eleven thousand and one?

Program Coordinator IV J. Cruz: Applications. But we processed 2,907 leases as of September 30, 2021. So, that's where we're at around eight thousand some

Commissioner D. Herrera: The point to add here is because 35-112 it's a new requirement so now the rules of eligibility changed.

Program Coordinator IV J. Cruz: And that's how we created our eligibility form now

Commissioner D. Herrera: Understand, but the December 1995 was based on illegal violated mandate from the Fair Housing Act. Some got their lease and did not meet the Fair Housing Act, so now the applicant from Tiyan came in and is qualified based on their

Program Coordinator IV J. Cruz: The new process

Commissioner D. Herrera: Right, but they're still going to be the last one that is

Program Coordinator IV J. Cruz: Depending on when they applied

Commissioner D. Herrera: Where's the justice, right? Where's the fairness?

Program Coordinator IV J. Cruz: Depending on when they applied. Because even if our eligibility for the program is changed the processing hasn't so, we're going to process applications based on date and time which is how it was received by the commission.

Commissioner D. Herrera: So, where's the fairness of that one when the federal government said you have violated CHamoru Land Trust Government of Guam, right? You violated the Fair Housing Act and then the Tiyan owners

Acting Administrative Director A. Camacho: It's by law

Commissioner D. Herrera: By law that what?

Acting Administrative Director A. Camacho: We're mandated by law to process our applicants by date and time, even people who are pre-occupiers there's nothing that says they should be or should not be issued a lease, right so even if you staying there the law just basically says that we can't evict you but it doesn't say that we need to issue you a lease.

Commissioner D. Herrera: Yeah, but we can't evict the person who's already been evicted by the federal government at Tiyan. So, where's the logic there? Where's your logic?

Acting Administrative Director A. Camacho: It's the way the law was written.

Commissioner D. Herrera: Understand so, we'll go one more step, right? So, how do you accommodate the...

Commissioner A. Bordallo: Ask the attorney.

Commissioner D. Herrera: Yeah, right because the federal government settle the matter to address those who had their properties partially condemned or fully condemned or *inaudible* without fair compensation so where's the justice? That's my point.

Acting Administrative Director A. Camacho: I think Commissioner Bordallo is right, let's ask

Commissioner D. Herrera: Of course, it's not fair. Right now, this rule is not fair it's not just.

Acting Administrative Director A. Camacho: But land taking is land taking...

Commissioner D. Herrera: According to the law it's

Acting Administrative Director A. Camacho: To me land taking is land taking whether you're in Tiyan or...

Program Coordinator IV J. Cruz: Even those who got their property returned is eligible for our program.

Commissioner D. Herrera: Understand but I'm talking about the ones that never had their land back

Acting Administrative Director A. Camacho: And will not get it back, right? Will not, right?

Commissioner D. Herrera: Well, we'll work with the legislature to amend the current law to make it fair and just for those applicants you are talking about

Chairman J. Reyes, Jr.: Yeah, I think that there are a lot of scenarios that we are addressing as they come through.

Commissioner A. Bordallo: One step at a time

Chairman J. Reyes, Jr.: Yeah, one step at a time. But thank you, Commissioner Herrera. Definitely point taken and I think our next steps is as the commissioners, given that we want to accept or formalize the process, the eligibility process which again, the team has been using and doing but it's just formally accepting it and making sure we can hang our hats to it and we support it and then secondly is the forms, right, just making sure that we formally approve these forms that has been reviewed by Attorney Toft and subject to just a couple of edits that Joey will work with the team to make in regards to kind of important dates that we need to track here is what our next task at hand is. Joey, did you have a question?

Program Coordinator IV J. Cruz: If I may, so as far as the dates if on item 2, Research Conducted; we can put a start date and an end date there so at least we can track how long it takes for research to be completed

Chairman J. Reyes, Jr.: Okay, so there's like a research timeline

Program Coordinator IV J. Cruz: On number 2, it says research conducted and we can put right below it a start date and end date so at least whoever is conducting the research can fill that in so it won't be a conditional approval or it will be a conditional approval of the form if the board should choose so but with that amendment.

Chairman J. Reyes, Jr.: Okay. Again, it's more for us to get a gauge of, how long are these taking? Is there something – how can we help to make it faster? If it's taking let's say we assume it's 30 days but it's actually taking us 45 to 60 what is it that we can do to help with the research, right?

Program Coordinator IV J. Cruz: And also, that's one of the reasons why put constituent that signed the family tree form and the date that's submitted because sometimes constituents don't come back for weeks. Not everybody but some.

Chairman J. Reyes, Jr.: Right, and then there's things happen, life happens, etc...

Acting Administrative Director A. Camacho: And I've seen it also where it's piecemeal, right, where they know their mom's grandparents but they may not know their father's grandparents or vice-versa so again it's kind of unique every situation right

Commissioner A. Bordallo: Do you guys, the Land Management have records from the Spanish time

Program Coordinator IV J. Cruz: The blue books but the staff also uses the land web which is another helpful tool

Commissioner A. Bordallo: That's the Land Management's system?

Chairman J. Reyes, Jr.: Yeah. Well, I think – any other questions is what my next question was and then again, subject to an addition of a date box. Commissioners, are we comfortable with formally approving these again subject to correction or amendment as things change to start making sure that we formally accept this as our documentation for the process?

Commissioner A. Bordallo: Well, it's given to us by law, right?

Chairman J. Reyes, Jr.: Right

Commissioner A. Bordallo: We have no choice

Chairman J. Reyes, Jr.: Yup, we just need to formalize it. So, okay, I could take a motion

Commissioner D. Herrera: I would like to make a motion Mr. Chairman just for item – New Business item 2?

Chairman J. Reyes, Jr.: One and two

Commissioner D. Herrera: One and two?

Chairman J. Reyes, Jr.: Yes

Commissioner D. Herrera: To approve the CHamoru Land Trust Commission eligible beneficiary process and number two, the affidavit and checklist of approval of the eligible beneficiary process also.

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

Commissioner A. Bordallo: I second it

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

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay, hearing none, motion passes to accept and formalize the CLTC eligible beneficiary process and the affidavit and checklist for approval of the eligible beneficiary process. Okay, thank you, Commissioners. Joey and team, again, this is formalizing but it's also to really help us to make sure that we can go from every step of the way in helping our constituents in the process. So, thank you for the time and effort to document this by formalizing it so appreciate that. Okay, so, any questions thus far?

3. Approval & delegation of responsibility for the Administrative Director

Chairman J. Reyes, Jr.: Next item on the agenda is the Approval and delegation of responsibility for the Administrative Director with regards to approving the eligibility for each of these constituents, right? How have we've been doing it today is my question.

Program Coordinator IV J. Cruz: It's been presented to the board for approval of eligibility but Attorney Toft can chime in whether this task

Chairman J. Reyes, Jr.: Is delegatable? Okay, that was going to be my next... so Attorney Toft, given that, is this something that we can delegate to the administrative director barring anything that goes outside of the process that needs to come the commissioners?

Attorney N. Toft: Yes, it is.

Chairman J. Reyes, Jr.: Okay. Okay, Commissioners, are we comfortable in given the director approving all of these forms as they come in if it's approved or not from an eligibility standpoint, that's all that it entails if they're eligible or not, any questions that they feel that it needs to be they can bring to the board.

Commissioner D. Herrera: So, I'd like to make a motion also

Chairman J. Reyes, Jr., Sure. Okay, yes, Commissioner Herrera

Commissioner D. Herrera: Number 3, on New Business the Approval and delegation and responsibility for the Administrative Director

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

Commissioner A. Bordallo: I second it

Chairman J. Reyes, Jr.: Alright, thank you, Commissioner Bordallo. Any objections? Okay, hearing none motion passes in the Approval and delegation and responsibility for the administrative director regards to the approval of eligibility.

Program Coordinator IV J. Cruz: We'll prepare a resolution so it can be signed

Chairman J. Reyes, Jr.: Tina was that enough?

Administrative Assistant T. Tainatongo: Yes, I got it.

Chairman J. Reyes, Jr.: Okay, thank you. Alright, thank you Commissioners – appreciate that. A

4. Unauthorized usage of Lot 7164, Yigo

Chairman J. Reyes, Jr.: Last on our New Business is the Lot 7164 in Yigo

Program Coordinator IV J. Cruz: That's a

Chairman J. Reyes, Jr.: Joey and Glenn?

Program Coordinator IV J. Cruz: And Pierce

Chairman J. Reyes, Jr.: Okay

Program Coordinator IV J. Cruz: We all did and Commissioner Herrera

Chairman J. Reyes, Jr.: Oh yes, that's the one that... yup

Multiple conversations – laughing

Program Coordinator IV J. Cruz: We're the bearer of bad news

Chairman J. Reyes, Jr.: Okay and Mr. Pierce and Mr. Glenn could you just for purposes just state your names please.

Engineering Tech II Pierce Castro: Pierce Castro – Engineering Technician, CHamoru Land Trust

Land Agent II Glenn Eay – Glenn Eay, Land Agent II – CHamoru Land Trust

Program Coordinator IV J. Cruz: And Joey – still here.

Chairman J. Reyes, Jr.: Joey's still here – okay.

Program Coordinator IV J. Cruz: So what it was or what had happened was the three of us and Commissioner Herrera conducted a couple of site visits to the Guam Racing Federation in Yigo through other business regarding that mineral extraction and the activities there. And so, it was discovered and it was known that there was a road that takes that traverses over Lot 7164 which is owned by CHamoru Land Trust Commission which is or was and still being used by SmithBridge to take the gravel that's being mineral extracted from either the Government property and the private property to their pouring facility. We did do a quick review of the file and we didn't find anything in file that had authorized SmithBridge to clear or to utilize that property as their easement to get their pouring stations. We did send an email to one of the representatives at the Guam Racing Federation requiring about whether there's any permit, any authorization that they may have in file or who gave the authorization to SmithBrige. As of

today, we haven't received a response. So, our concern is that you know, we have to ensure that there's parity amongst the three *inaudible* of companies who are utilizing CHamoru Land Trust property even it's just for an easement or to turn their trucks around, and what I mean by turn their trucks around is for example, KwikSpace, gives pays us two thousand some dollars a year just to use a small portion of our property to have their trucks turn around and I think reverse into their own compound. Whereas we have SmithBridge today and in the past who has utilized CLTC property as their easement to their pouring site, we don't even know if they have a permit to clear their so-called easement, it's still unknown. But we wanted the board to consider approving a right of entry to SmithBridge to utilize 7164 and if the commission should decide to consider a right of entry, we will open up a dialogue with SmithBridge in how we can resolve this issue. Hopefully we can recover some fees from past usage, we don't know, but, going forward at least there will be parity on how we treat companies utilizing our property, not just one pay and the other don't and we'll collect what's due to us. *inaudible*

Chairman J. Reyes, Jr.: Okay

Program Coordinator IV J. Cruz: There's a map attached to it and what we did was the three of us we drove *inaudible* into the property. So, if you see the red triangles here, Northeast of the property I believe it is.

Engineering Tech II P. Castro: Yes

Program Coordinator IV J. Cruz: That's where we GPS'd, the triangle is the GPS picture we took. And then as we entered we went through Guam Racing we took another GPS so, as you can see from this aerial it does run through all the way from one through 7164-R5, dash 5, dash 4 and dash 3

Commissioner D. Herrera: Dash 3 is also Land Trust?

Program Coordinator IV J. Cruz: Yes

Acting Administrative Director A. Camacho: Mr. Chairman, can I just get from the team a point of clarification?

Chairman J. Reyes, Jr.: Yes

Acting Administrative Director A. Camacho: Is there currently any mineral extractions on government property on that area?

Program Coordinator IV J. Cruz: No, our last visit there wasn't any. They barricaded it or blocked it off with boulders so as far as any mineral extraction activity being conducted on CHamoru Land Trust property we don't think so because of the boulders. Although, there was activity of backfilling that was a concern also that we had from the Guam Racing Federation. Currently and in the past, there was backfilling of exported materials to our knowledge the last permit did not allow for any backfilling with the export or imported material so they couldn't take the gravel road and dump it and try to level it out, they weren't supposed to do that. We did recently get a topo survey from Guam Racing Federation which is being reviewed by Mr. Castro, I believe his review is still going on. And that's to try to find us a starting point or to try

to ascertain what was actually paved is really what was actually taken out. So, that's where we're at.

Chairman J. Reyes, Jr.: When did.... I just wanted to ask, when did we receive that topo? Because I know we were waiting for it for a while.

Program Coordinator IV J. Cruz: Two months ago – three months ago.

Chairman J. Reyes, Jr.: So, we did get a fairly recent one?

Engineering Tech II P. Castro: Yes, our problem here is the data that they used to start is – the starting of their topo doesn't take us back to when they first starting extracting. We can't find a benchmark in that area to show what the elevation was at and...

Chairman J. Reyes, Jr.: Prior

Engineering Tech II P. Castro: Yeah, prior. They used a lidar image which is a 2007 image and you know they did give us data on what was taken during that time in 2007 until now but prior to that there's a – we have satellite images going back to two thousand... think it's 2003 that show excavation being done already but we can't find a benchmark within their lot – within the lot to show what the elevation was at the time. We have elevations outside like in the private side but you know, there's no way to compare what was taken inside.

Chairman J. Reyes, Jr.: From our space, our land.

Engineering Tech II P. Castro: Yeah, we're still trying to research that. I'm checking all the old files and

Program Coordinator IV J. Cruz: At that time I think in 2003 it required too, there was three companies, so, there was Hawaiian Rock, Perez Brothers and I think it was SmithBridge but the topo we have today is only related the activities that's been *inaudible* within zone 5A phase 1 zone 1 something to that effect. It doesn't incorporate the entire 250 acres

Chairman J. Reyes, Jr.: Okay, Angie?

Administrative Director A. Camacho: If I could make a point that currently the traversing would only be their mineral extraction from the private side of the property because there's no mineral extraction from CHamoru Land Trust

Chairman J. Reyes, Jr.: Our side – there shouldn't be any

Commissioner D. Herrera: What was that again?

Acting Administrative Director A. Camacho: So, the traversing today should only be for private property and not CLTC property because today there's no – there should not be any mineral extractions from CHamoru Land Trust property

Chairman J. Reyes, Jr.: Any activity

Acting Administrative Director A. Camacho: There should not be any mineral extraction

Commissioner D. Herrera: After the extraction from the last

Acting Administrative Director A. Camacho: Just today. I'm saying today

Chairman J. Reyes, Jr.: There should be no activity today.

Acting Administrative Director A. Camacho: We're not allowing any traversing for the removal of CHamoru Land Trust property because that activity should not be happening today. I just want to be clear.

Program Coordinator IV J. Cruz: A cease and desist was ordered was issued

Acting Administrative Director A. Camacho: I just want to be clear, that there's mineral extraction activity today on private property not on CLTC because we issued a cease and desist.

Chairman J. Reyes, Jr.: And they are... but this piece here is where they're going back and forth?

Program Coordinator IV J. Cruz: In addition to traversing over the lease property by raceway they're also traversing over property next to the north of the raceway property. And also, we're trying to determine what was over excavated. What the amount of area that was over excavated and Pierce also is having that *inaudible*

Commissioner D. Herrera: And I think also Glenn has the photos of the construction material remember the one that

Land Agent II G. Eay: Oh yes.

Commissioner D. Herrera: Those were hallo blocks or concrete and rebars

Program Coordinator IV J. Cruz: From tear down to *inaudible*

Commissioner D. Herrera: Right, and now that's covered with granulated sand

Program Coordinator IV J. Cruz: Yeah

Land Agent II G. Eay: All kinds of mixed-used materials was brought in to fill the area which was not allowed was *inaudible* materials that were within the compound that was filling but then like we observed there was all kinds of materials such as boulders, concrete slots, cmu blocks, pen sand, coral base from outside you could see that the color of the materials are not from within our property, all kinds of types of filling that was taken from the outside rather to fill in the property and it's a big project and you can really see that the extracted the minerals from our property you could see actually the cut and grade of the property from the raceway top going down to where they're filling the height's about...

Commissioner D. Herrera: 5 feet?

Land Agent II G. Eay: No going up hill

Multiple conversations.

Land Agent II G. Eay: So, they did a lot of cutting. So, if they're going to fill that it's going to take another 10 years to fill that out... I don't know where they're going to get the materials to fill that out but

Chairman J. Reyes, Jr.: But they shouldn't even be filling it

Program Coordinator IV J. Cruz: Not with that material

Land Agent II G. Eay: Not with that material, right. Supposed to be...

Commissioner D. Herrera: Has to be approved by EPA

Land Agent II G. Eay: The agreement I believe was just from

Acting Administrative Director A. Camacho: The permit

Program Coordinator IV J. Cruz: The permit stated that no imported material shall be used to fill. So, if you look at the drag strip instead... I don't think they're going to fill to reach it they probably would tear it down and make it *inaudible*

Commissioner D. Herrera: And the lease is still good?

Program Coordinator IV J. Cruz: No, no.

Commissioner D. Herrera: When does the lease expire?

Program Coordinator IV J. Cruz: The lease has expired already and what has happened in the past is that there has been numerous extensions for a right of entry. There was a law passed that gave them the first right of refusal but because we didn't – the 180 days has lapsed that law is not valid anymore. Attorney Toft can chime in on this.

Commissioner D. Herrera: And there was four properties that we identified at that time that was operating a

Program Coordinator IV J. Cruz: Three.

Commissioner D. Herrera: Three?

Program Coordinator IV J. Cruz: The mineral extraction was Perez Brother's was one, Hawaiian Rock and SmithBridge back then when it started from what I remember.

Commissioner D. Herrera: And the companies that are operating there that was situated in the raceway, remember...

Program Coordinator IV J. Cruz: The *inaudible* adventures or something like that

Commissioner D. Herrera: So, would we be reliable if there was any lawsuit there, Mr. Chairman? You know what I mean, with those operating there without license or

Program Coordinator IV J. Cruz: I think *inaudible* sports was approve by the board in the past. We can dig up the minutes from that but I think the board had approved the *inaudible*

Chairman J. Reyes, Jr.: Yeah, so there is a lot of things we need to really dissect with the Guam Raceway for sure but let's kind of take us back to the traversing the property that is being traversed with SmithBridge. So, Joey, I think the one question I did have is, have we had any dialogue with SmithBridge on this, yet?

Program Coordinator IV J. Cruz: Regarding this, no. We did... because SmithBridge is not our current right of entry company or we didn't reach out to them. We did reach out to a representative from the Guam Racing Federation, like I mentioned we didn't receive any documents, any permits, any agreement or anything like that they SmithBridge they got authorizations to clear and traverse through 7146 although we do with the board's approval with a possible right of entry we do intend to reach out now to SmithBridge should the board decide and try to come in to discuss how we can resolve this so that at least they pay for the usage of the CHamoru Land Trust property even if it's to drive through to and for like I mentioned *inaudible* is a concerns of ours that we would like to raise to the board. KwikSpace is paying and they've been very persistent in trying to get the right of entry, they had their attorney come and all that great stuff and they've been paying even without any actual right of entry document but like I said, in the past they've paid and they continue pay they're on time.

Chairman J. Reyes, Jr.: Now, my next question is in regards to the raceway, they still have an existing right of entry, correct?

Program Coordinator IV J. Cruz: It's expired. That's another thing

Chairman J. Reyes, Jr.: Thing we need to address? Okay, alright. So, let's focus on this with the multitude of issues that we need to address. I think that we should start working through on every meeting and address one or two and really engaging with Mr. Simpson on this. So, let's... Commissioners, it's my hope that we decide to engage with SmithBridge just to figure out what is the back story here and how it happened and then we can figure out what's the next steps but at least give the team the greenlight to move forward and have that dialogue and ensuring that you know we still communicate with the raceway just hey, this is what we're going to do so they're not necessarily caught blindsided.

Program Coordinator IV J. Cruz: And if the board should agree to that a right of entry is sufficient or

Chairman J. Reyes, Jr.: We'll figure out once you have that dialogue and kind of get some back story to this. Okay, so Joey, just to clarify, you just want the commission to approve with engaging with SmithBridge in regards to how they've been given the authority to traverse through the property for that back and forth

Commissioner A. Bordallo: That's trespassing

Program Coordinator IV J. Cruz: Moreso consider granting SmithBridge a right of entry.

Chairman J. Reyes, Jr.: I don't... I think that's to premature

Commissioner D. Herrera: Yeah, let's get some dialogue first

Chairman J. Reyes, Jr.: I just want to get some dialogue and information I don't know if that even needs to be board approved but

Acting Administrative Director A. Camacho: So, may I real quick, I think that one reason that we would want to just consider this dialogue is also because it may be a detriment or I have safety concerns if we close this off and SmithBridge is forced to go through I believe it's Route 15, right, I believe it's safer for SmithBridge personnel as well as the community because those trucks I don't know how safe it would be to go out to 15 and I could be wrong you can correct me if I'm wrong.

Land Agent II G. Eay: They shouldn't be going out through Route 15 because they're using euclids, they're not made for the Guam highways they're for quarries.

Chairman J. Reyes, Jr.: The highways

Acting Administrative Director A. Camacho: Yeah, that's why I just think it's beneficial for us to even consider this because I guess the other option would be is not to allow it but then I'm not sure how that... it's not going to be safe; I know that.

Chairman J. Reyes, Jr.: Let's get to the bottom of it. I don't want to say, approve a right of entry or it could be something more.

Commissioner D. Herrera: Just to open a dialogue first

Program Coordinator IV J. Cruz: Our intension was that if the board should consider a right of entry our approach is well, SmithBridge you've been utilizing this but the board has decided that a right of entry may be awarded or granted to you and let's discuss the details of it so when we come back next time, we present something in final form with the review and approval of our attorney, we come to some agreement... but we can also do it...

Chairman J. Reyes, Jr.: I think that's still doable, come back with a recommendation and we can approve it.

Program Coordinator IV J. Cruz: Because we can approach them as the board already granted an approval for us to discuss with the option of a right of entry.

Commissioner A. Bordallo: Yeah

Chairman J. Reyes, Jr.: I'd say, get through the bottom of it and put the recommendations out there. I think a recommendation is that we can halt any entry on our property, that's still an option.

Program Coordinator IV J. Cruz: We can do either, we'll work with either.

Chairman J. Reyes, Jr.: Yeah, so, do we need board approval for that?

Program Coordinator IV J. Cruz: I think so, just so we don't start...

Chairman J. Reyes, Jr.: So we're covered that we can begin dialogue with SmithBridge in regards to

All: Laughing

Commissioner D. Herrera: Mr. Chairman

Chairman J. Reyes, Jr.: Commissioner Herrera

Commissioner D. Herrera: I would like to make a preliminary approval to authorize the usage of Lot7164 in Yigo and to open a dialogue for the consideration of a right of entry with SmithBridge

Commissioner A. Bordallo: It's not a right?

Commissioner D. Herrera: It's a preliminary approval it's not approved yet but it's a...

Chairman J. Reyes, Jr.: It's a preliminary

Commissioner D. Herrera: *Inaudible* dialogue

Chairman J. Reyes, Jr.: To dialogue that this is an option?

Commissioner D. Herrera: And then come back and we'll see what's the

Chairman J. Reyes, Jr.: And then we can always decide to close it up? Okay, I'm good with that.

Commissioner D. Herrera: Right, preliminary?

Chairman J. Reyes, Jr.: Sorry, Commissioner Herrera I didn't mean to detract the motion. Could you restate, please?

Commissioner D. Herrera: Mr. Chairman I'd like to make a motion to do a preliminary approval to authorize SmithBridge and CHamoru Land Trust Commission to dialogue for the consideration of a right of entry on Lot 7164 in Yigo.

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

Commissioner A. Bordallo: Or not

Commissioner D. Herrera: That would be based on the recommendation

Chairman J. Reyes, Jr.: Yeah, based on the recommendation

Commissioner A. Bordallo: Okay. I'll second it

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

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay, hearing none, the motion passes to begin the dialogue for preliminary approval for a right of entry for Lot 7164 Municipality of Yigo with SmithBridge. Tina, we're good with that?

Administrative Assistant T. Tainatongo: Yes.

Chairman J. Reyes, Jr.: Attorney Toft, we're good with that, sir?

Attorney N. Toft: Yes.

Chairman J. Reyes, Jr.: Okay, thank you. Okay, gentlemen that was a good... again, if I could ask, next meeting to figure out what's the next item that we could address with Mr. Simpson. I'm willing if we need to meet prior to that just with the team, talk through things administratively and then what we can bring to the board.

Program Coordinator IV J. Cruz: I think one of the first issues we should address is the expiration of the right of entry. I'm not too sure, I understand that the business licenses have expired or are going to expire between June and now, so I'm not too sure if they were able to renew their business license on an expired right of entry so that's mainly something to consider but we'll put together the *inaudible*

Chairman J. Reyes, Jr.: And again, we're trying not halt anything we just want to make sure that we have that right of entry you know and that everything is kosher and we continue to work through what are the next steps.

Acting Administrative Director A. Camacho: So, just to be clear, Mr. Chairman, it is to continue to allow for raceway activities, correct?

Chairman J. Reyes, Jr.: Oh yeah, raceway activities, all the activities up there aside from mineral extraction.

Commissioner D. Herrera: Clarify that again

Acting Administrative Director A. Camacho: We're addressing the right of entry for raceway activities... raceway activities

Commissioner D. Herrera: Oh, no...no...no...

Program Coordinator IV J. Cruz: For drag racing and

Commissioner D. Herrera: The right of entry for SmithBridge

Chairman J. Reyes, Jr.: Oh no...no... this is for raceway, this is done so we want to address the expired right of entry for the raceway

Acting Administrative Director A. Camacho: And that would be the next...

Commissioner D. Herrera: Okay, I didn't see that on the agenda

Program Coordinator IV J. Cruz: Sidebar

Acting Administrative Director A. Camacho: No, I think what we're saying is the Chairman asked us to continue addressing the issues because they're *inaudible*

Commissioner D. Herrera: Oh, oh with the raceway

Acting Administrative Director A. Camacho: so, we're thinking that the next thing to bring to the board would be the right of entry and I'm just making it clear for raceway activities

Program Coordinator IV J. Cruz: And we'll be specific

Chairman J. Reyes, Jr.: Yes

Commissioner D. Herrera: It has to be

Program Coordinator IV J. Cruz: So far, it's drag-racing, motocross

Commissioner D. Herrera: Because these guys are for a fifty-year lease an additional fifty-years

Commissioner A. Bordallo: They'll deal with that

Program Coordinator IV J. Cruz: The initial law allowed I think for twenty-five or fifty-years you're correct but since that law the 180 days has lapsed, we can no longer utilize that law

Chairman J. Reyes, Jr.: It'll have to go back to the legislature, yeah.

Program Coordinator IV J. Cruz: But, at the same time to we're trying to do our best to find a baseline or starting point as far as how much land was there prior to being extracted so we can ascertain whether we were *inaudible*

Chairman J. Reyes, Jr.: Alright, thank you, guys. Appreciate that.

CONSTITUENT MATTERS

1. Lorette Guerrero

Chairman J. Reyes, Jr.: Okay, next up on our agenda is our Constituent Matters. We have two on the docket today. I believe, first up would be for Ms. Guerrero and it's Jessica – Ms. Dayday and Mr. Eay, if you could please join us. I do see Ms. Guerrero on the line so Ms. Guerrero, can you hear us, okay?

Lorette Guerrero: Yes, I hear you.

Chairman J. Reyes, Jr.: Okay, thank you, we can hear you too. So, thank you for joining us. Again, for the record, Ms. Guerrero, could you just quickly state your name

Lorette Guerrero: Lorette Guerrero.

Chairman J. Reyes, Jr.: Thank you.

Lorette Guerrero: Thank you.

Acting Administrative Director A. Camacho: May I ask that, if possible, could she turn on her camera?

Chairman J. Reyes, Jr.: Oh yeah, sure. Ms. Guerrero, if you can or if you're able could you turn on your camera.

Lorette Guerrero: Oh, I'm sorry, I'm using a laptop that doesn't have a... the camera's broken.

Chairman J. Reyes, Jr.: Okay, no worries but yeah, we can hear you okay and if at any point you can't hear us, please let us know.

Lorette Guerrero: Okay, thank you.

Chairman J. Reyes, Jr.: Okay, first up on our Constituent Matters for today is Ms. Guerrero and we have Ms. Jessica and Mr. Eay so for the record if you could please state your names?

Land Agent II G. Eay: Hafa Adai, Commissioners, my name is- Mr. Chairman, Commissioners, Director, my name is Glenn Eay, I'm from CHamoru Land Trust, I'm a Land Agent II.

Land Agent I Jessica Dayday: And Hafa Adai, Commisison. I'm Jessica Dayday and I'm a land agent with CHamoru Land Trust Commission.

Chairman J. Reyes, Jr.: Okay, thank you. Okay, Mr. Eay, I will let you begin. I know that this has been before the Commission a couple times and maybe we can begin with what may have changed or transpired and then we can go from there. Ms. Camacho, did you have anything to add for that?

Acting Administrative Director A. Camacho: Just so the Commissioners are aware, there has been a second claim made against the Commission and that is with legal counsel.

Chairman J. Reyes, Jr.: And that's been made with the AG's Office?

Acting Administrative Director A. Camacho: With the AG's Office, yes.

Chairman J. Reyes, Jr.: Okay, alright, just for the commissioners' awareness. Okay.

Commissioner D. Herrera: Claim for lease?

Chairman J. Reyes, Jr.: Just a claim that was filed with the AG's office.

Acting Administrative Director A. Camacho: So, this is the second claim made to the AG's office against the commission so now we have two.

Chairman J. Reyes, Jr.: Just for awareness for the record. Okay, thank you. Alright, so Mr. Eay, let's go ahead and proceed. And Ms. Guerrero if you have any questions, just please let me know and then we can formally address you as we go through the process. Again, Mr. Eay, I

want to begin I think the Commissioners has – we had the initial dialogue back in earlier this year – I’ll probably butcher the date

Multiple response: Somewhere in March

Chairman J. Reyes, Jr.: March, okay, and then we did have Ms. Guerrero come before us during Public Comments and then I know that there were working sessions with you, Ms. Guerrero and Attorney Toft and Ms. Camacho. So, I want to kind of get us to where we’re at today, anything that may have changed from what we’ve – what the commissioners know and then I think we’re at the point where need a – we can make a decision of how to proceed. So, I just wanted to set the stage there and have you begun.

Land Agent II G. Eay: Okay, just for a quick recap backdating on March 17, 2022, Commission Meeting. The issues involve was no clearing and grading permit and no approval for CLTC for a Building permit. Those were that was discussed very lengthy during the last meeting. And just several and you mentioned some of them that we discussed on March 21, 2021, Ms. Guerrero requested information regarding application building authorization, March 25, 2021, Jessica replied those authorizations require board approval and Ms. Dayday also informed Ms. Guerrero that she – they were unable to schedule a meeting for the month of June and July of last year due to the schedules being tight couldn’t fit her in and also went to learn that Ms. Guerrero had VA loan that was approved sometime in December which CLTC was not made aware of and February 24, 2022, CLTC conducted – oh on February 11th 2022 Ms. Guerrero requested a UT authorizations, the following day the CLTC staff investigated a site inspection and found that a contractor had already cleared the subject lot and commenced with a building foundation, they had started the project without our consent. So, on March 14th 2022, the commission ordered cease and desist of all activities was served to Ms. Lorette Guerrero to stop the project rather and so that we can conduct further investigation to find out what’s going on. So, on March 17, 2022, Board of Commission meeting, the order of cease and desist remains in effect from staff’s findings that was presented to the commissioners. And to the end of the discussion the board decided to hold off to the next meeting for further research on how she obtain the lease so that’s where we want to continue from now. The lease was how she obtain the lease was in question and Ms. Dayday was able to find – get some facts from her findings on how she eventually got her lease where some of them was - it was questionable. What I wanted to bring up too was one of the questions that Ms. Guerrero asked in the last meeting that she addressed and she stated, “the former Commissioner Ms. Pika Fejeran we met with the board we went through the whole process there are minutes in line with the meeting and that I was issued my lease so there’s no question about problems with the lease at the time and was all addressed, right so, I got lease, we’re fine and dandy. Now, you’re telling me there’s something wrong with my lease. What is it?” So, I was thinking okay you know her question so I went back and reviewed the March 19 minutes and

Chairman J. Reyes, Jr.: Of what year Mr. Eay?

Land Agent II G. Eay: I’m sorry?

Chairman J. Reyes, Jr.: March 19 of 2020?

Land Agent II G. Eay: Oh, I’m sorry, March 21, 2019 minutes. Stand correct. I reviewed March 21, 2019 minutes and Lorette Guerrero requested to process her residential application as a descendant of a pre-occupier. Chairwoman Fejeran, stated she “she would be comfortable

understanding Lorette Guerrero's lineage and the Feja families has occupied since 1950s or even before them and is comfortable honoring their pre-occupier status." So, the last Chairwoman when she decided to award the lease based because she was comfortable knowing the lineage of the Feja family disregarding other facts where there was a letter from the mayor's office stating that at 2009 where she was states that doesn't show when she was actually her date and time she occupied the said property and there was also no site inspection or any photos whatsoever that supports the claim you know when you're going to give award somebody's lease you got to have all these facts documents set in place but none of those were presented it's just that she felt comfortable with the lineage so you know that I find kind of like troublesome where you make a decision where there were no facts just a case on pre-occupier status and like I said there was no documentation showing that any farming or any type of activity was within the property other than over grown vegetation which we have a photo of in 2016. And what furthermore findings we also seem to get a letter from the mayor of Mangilao Allan Ungacta

Chairman J. Reyes, Jr.: Mr. Eay, just real quick. Let me just take a quick pause and for the Commissioners, right, are you guys following the I think we're on page oh man there's no page on P we're on P on the

Commissioner D. Herrera: We're on P – papa

Chairman J. Reyes, Jr.: We're on P on the... yup. So, let me just take a quick pause. Any questions in regards to Mr. Eay in regards to how this was approved back in 2019, any questions there?

Commissioner D. Herrera: Go ahead. I'm following. I'm okay.

Chairman J. Reyes, Jr.: Okay, I just want to make sure we're following because I'm trying to make sure I follow too.

Land Agent II G. Eay: The staff report is there but I'm just not putting it in order as you see I'm

Chairman J. Reyes, Jr.: Understood. Yeah, but I just want to make sure that everyone is following.

Land Agent II G. Eay: Everything is there and documented and there's also exhibits there that

Chairman J. Reyes, Jr.: Okay just want to make sure because I'm making sure that I'm trying to follow so...okay. Alright.

Land Agent II G. Eay: I'm just trying to shorted our conversation here. So, like I just mentioned we also discovered we also have a letter from Mayor Ungacta stating that they were in a receipt of transfer of residence document from Dededo Mayor's office dated January 9, 2009 resident transfer from house number 188 GHURA. Okay, I'm sorry, this one again, a letter from the mayor's stating that they are in receipt of a residence where from Ms. Guerrero was occupying and living in Dededo and also now occupying 5402 in Feja St. Mangilao. In addition to that March 28 we have also a letter from the Vice Mayor of Dededo a letter saying the Ms. Guerrero has been in and out of the village of Dededo that's found in Exhibit A. Again, this letter verifies that Ms. Guerrero has not been – has been in and out from the village of Dededo whereas Ms. Guerrero stated she presently reside and continuously reside in Chamoru Land

Trust property prior to July 12, 1995. So, we have two letters from the mayor's office that puts her out of place not a time where she says she's currently occupying since 1995 *inaudible* mayor's letter stating that she was residing in Tamuning, she was residing in Dededo and so forth and part of the requirement as a pre-occupier you have to be present and continuously occupying the premises. You know, where supposedly the land use permit or even occupying even not as a LUP but occupying or staying in government land it's either or and what I just mentioned right now with the two letters it does not – her claims has no bearing on her like she mentioned she is presently and continuously occupying the said property. So, I also have Ms. Dayday who has some comments also as part of the pre-occupier

Land Agent I J. Dayday: So, Ms. Guerrero is basing herself as a descendant of a pre-occupier, right? Which is her great-grandfather I believe Francisco Feja Feja who had a Land Use Permit in 1950 nothing prior and nothing after. However, that LUP was then used by one of his children and from there she was able to renew that LUP or the Arruendo from 1970 up to 1994. Okay, there's documentation it's recorded that the child of Francisco Feja Feja was using that property. And prior to 1994 up to 1996 there was only one residential unit in that area that was used by Francisco Feja Feja, right, and that's his child who was living there for 50 plus years.

Chairman J. Reyes, Jr.: Okay

Land Agent I J. Dayday: So, that's what I have with the LUP, my findings on who took over that LUP or continued to use that property.

Chairman J. Reyes, Jr.: Up to what year, '96 is what I'm understanding?

Land Agent I J. Dayday: Yes. No, she continued and I believe now her the great grandchildren I'm sorry, the gran children of Francisco Feja Feja currently lives there.

Chairman J. Reyes, Jr.: Okay, who is Ms. Lorette is a descendant of? Yes?

Land Agent I J. Dayday: So, her grandmother I believe is the sixth sister of the person who was presently and currently occupying that property. However, the daughter of Francisco Feja Feja had passed away, that was the one that was using the property. That was my findings.

Chairman J. Reyes, Jr.: But there's lineage there, I'm just trying to understand that there is relation?

Land Agent II G. Eay: Yes, there is relation

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

Land Agent I J. Dayday: So, they – Francisco Feja Feja on his LUP that's the one 4 hectores however when the daughter took over and she continued own with her own year by year it was decreased because due to none payment. You know how you have to pay every year, she didn't make the payment according to the *inaudible*

Chairman J. Reyes, Jr.: And we have documentation of that?

Land Agent I J. Dayday: Yes

Chairman J. Reyes, Jr.: Okay, and we have documentation of it decreasing?

Land Agent I J. Dayday: Yes

Commissioner D. Herrera: Mr. Chairman may I ask who's the wife of

Chairman J. Reyes, Jr.: Yes, please. Do we have that information?

Commissioner D. Herrera: of Francisco Feja Feja

Land Agent I J. Dayday: No, his daughter

Commissioner D. Herrera: Oh, the daughter from the land use permit?

Land Agent I J. Dayday: correct

Commissioner D. Herrera: From 1950 to *inaudible*

Land Agent I J. Dayday: So, she took over the 1950 LUP. Francisco Feja Feja's LUP was 1950 there was nothing prior there was nothing I mean that we could find, the only record we have is the 1950.

Commissioner D. Herrera: And is Ms. Lorette – this is the grandpa?

Land Agent I J. Dayday: The great-grandfather.

Commissioner D. Herrera: great-granpa okay

Land Agent I J. Dayday: The great-grandfather

Chairman J. Reyes, Jr.: So, this is Ms. Guerrero's great-grandfather, yes?

Land Agent I J. Dayday: Correct, according to Ms. Guerrero, yes.

Chairman J. Reyes, Jr.: Okay, alright, so there is lineage there. I don't think that was ever a question but I just want to make sure. Okay, so now we found that there is an LUP for one reason or the other it was decreased in size due to none payment and documentation that we have. Okay, so where do we go from here?

Land Agent I J. Dayday: So, Francisco Feja Feja's daughter took over that LUP and that property and according to the findings there was only one residential unit prior to 1994 up to 1996 on the area where she was living. However, on the other side there was just overgrown vegetation.

Chairman J. Reyes, Jr.: Okay. Commissioner Herrera, go ahead.

Commissioner D. Herrera: Oh, no, I'm...

Land Agent I J. Dayday: I mean Ms. Guerrero is stating she's a pre-occupier because she is living with her parents. But how can you claim pre-occupier if the person has a lease, right? I mean are you able – does she really have a valid claim to that. I mean because there's a lease already issued to the person that was on that property, does she really have a valid claim to that being a pre-occupier?

Chairman J. Reyes, Jr.: So, is that still an active LUP? Because it's not a lease, right?

Land Agent II G. Eay: It's on the lease stage already

Chairman J. Reyes, Jr.: Who's the lease under?

Land Agent I J. Dayday: The LUP was used by Francisco Feja Feja's daughter so the one that Lorette is saying – Lorette Guerrero is talking about is she's living with her parents so her parents are the ones who have the lease so that's where she's claiming

Chairman J. Reyes, Jr.: On this property?

Land Agent I J. Dayday: On the other side.

Commissioner A. Bordallo: What lot number does she have? Because she has Lot 19 Block 9 Tract 15213, Mangilao

Land Agent I J. Dayday: That was awarded to her by CHamoru Land Trust. So, the thing is she's claiming pre-occupier but not for that property she was awarded a lease to. She's claiming pre-occupier on the property that her father has.

Commissioner D. Herrera: On the agriculture side not on the lease not on the property that was

Land Agent I J. Dayday: She's claiming the leased property as a pre-occupier because her father has a lease for that property.

Commissioner D. Herrera: And her father is Francisco also?

Land Agent I J. Dayday: Emmanuel Guerrero

Commissioner A. Bordallo: Then why is Lot 5402 Tun Kiko Feja St.?

Land Agent I J. Dayday: That's the same one but when they surveyed the property it changed the description from the Lot 5402 and then Ms. Guerrero surveyed the property.

Commissioner A. Bordallo: So, what would be the land size square meters?

Land Agent I J. Dayday: I'm not sure the square meters but in know hers is a half-acre.

Commissioner D. Herrera: Agriculture

Land Agent I J. Dayday: No, Ms. Guerrero is a residential but the ones around her surrounding her are agriculture.

Commissioner D. Herrera: And Emmanuel Guerrero is the father?

Land Agent I J. Dayday: Correct

Commissioner D. Herrera: And how is he tied in to Tun Francisco?

Land Agent I J. Dayday: That is the grandson – so he's the grandson of Francisco Feja Feja.

Commissioner D. Herrera: Carrying a Guerrero

Land Agent I J. Dayday: Yeah, I believe his mother is Francisco Feja Feja's daughter.

Commissioner D. Herrera: Okay so that's where it changes from the mother. Okay so what's the... I'm trying to find out what's the...

Chairman J. Reyes, Jr.: What's next. Commissioners, may I? So, my question is the previous board already approved this. We can tie lineage all the way down to Ms. Guerrero being great granddaughter of Señor Feja, okay. In my understanding it's two different properties right of where the actual LUP is designated versus the other property which is where Ms. Guerrero is building? Is that correct?

Land Agent I J. Dayday: Okay, so, Francisco Feja Feja his area was 4 hectores.

Chairman J. Reyes, Jr.: Okay, so that was decreased

Land Agent I J. Dayday: It was decreased when his daughter took over his LUP

Chairman J. Reyes, Jr.: Okay. So, it's decreased but is this property that Ms. Guerrero has began work on that same property of which is – was Mr. Francisco Feja Feja

Commissioner D. Herrera: In the same basic lot

Chairman J. Reyes, Jr.: Same basic lot

Land Agent I J. Dayday: I'm pretty sure it is

Commissioner D. Herrera: And then it got subdivided

Land Agent I J. Dayday: No, it just got decreased

Chairman J. Reyes, Jr.: But is it still within the realms of the – is it still an approved that is CHamoru Land Trust basically?

Land Agent I J. Dayday: Yes, however, CHamoru Land Trust did place other people other than the Feja family on that property. A lease was issued but I guess with surveying and what not you can't really say, okay, then where here

Chairman J. Reyes, Jr.: True but once surveys have happened then you now have boundaries, correct?

Land Agent I J. Dayday: Well, the thing was some people were moved from those areas so that's the thing at that time CHamoru Land Trust placed people there already so you can't really claim a place where it was vacant and CHamoru Land Trust put people there already.

Chairman J. Reyes, Jr.: Right

Land Agent I J. Dayday: I mean how can you...

Chairman J. Reyes, Jr.: Right, but I'm still... again, with what you have found that there is- there was or is and LUP that has moved transpired down through the lineage next in line right through the family so is that not considered pre-occupier?

Land Agent I J. Dayday: She can say she's a pre-occupier she can use the LUP what not, right?

Chairman J. Reyes, Jr.: Because it's been in place

Land Agent I J. Dayday: But the thing is we're not evicting her from the property she's claiming she's occupying which is her father's property which he has a lease for. She's not claiming the property that was awarded to her

Chairman J. Reyes, Jr.: To the family?

Land Agent I J. Dayday: To her

Chairman J. Reyes, Jr.: To her which is...

Land Agent I J. Dayday: That we awarded the lease to her

Chairman J. Reyes, Jr.: CHamoru Land Trust

Land Agent I J. Dayday: She's claiming that she's living with her parents. That's the property she's claiming she's a pre-occupier on so she can be a pre-occupier but it's not

Chairman J. Reyes, Jr.: But it's not the parcel that she has been awarded

Land Agent I J. Dayday: Correct, that she was awarded to.

Lorette Guerrero: I'm sorry. Mr. Chairman, can I say something?

Chairman J. Reyes, Jr.: Yes

Lorette Guerrero: So...

Chairman J. Reyes, Jr.: Is there something we're missing here?

Lorette Guerrero: Yes. Actually, what Ms. Dayday is saying about me taking claim to the property. The property that I have been issued a leased for is adjacent to my father's property.

Chairman J. Reyes, Jr.: Next door?

Lorette Guerrero: Yes, right next to it. Now, all that's there is prior to the construction all that was there was crops, farming right, that's all I could do with the property because I don't have approval to build anything on it. So, all I could do is farm on it. But where I lay my egg is right next to it which under my father's roof. Now, because I don't have a house on that property I can't go to the mayor's office and say, I'm living there, right? Unless I'm going to you know, planta myself on the ground and sleep on it then I could say, okay, I live there because I'm sleeping on the ground but that's the property that CHamoru Land Trust issued me is the property right next to or adjacent to my father's property. So, I'm not trying to claim my father's property. He's got his own lease and I have my own, but, my property and my father's property and the adjacent property surrounding us, those are properties that were occupied by my great grandfather and initially he had four hectares and yes, it did go down, it dropped down to one but our family never moved, we stayed there. And prior to 1995, the government did not come in and evict us, we stayed there and we continue to stay there, 'till this day.

Chairman J. Reyes, Jr.: Understood. Understood, I think that's what they drew out for us. So, in essence, its next door, it's still within the hector I guess is what's remaining? Yes or no?

Land Agent I J. Dayday: It went down to half acre

Chairman J. Reyes, Jr. But it's still within in that one big property decreased to what it is today?

Commissioner D. Herrera: Within the basic lot

Chairman J. Reyes, Jr.: Within the lot, alright thank you, Ms....

Lorette Guerrero: If I could just add, Lot 5402 made up of one million one hundred something

Chairman J. Reyes, Jr.: Well, it's a portion of, right, it's a portion of until it gets... or it gets renamed when it gets surveyed or something...

Lorette Guerrero: Yeah, so, in 2013 it was recognized, my lot was recognized as a portion Lot 5402 that was in 2013. In 2016 it was then recognized as Lot 19, it's still the same lot it just changed names in a matter of three years.

Land Agent II G. Eay: Also, sir, we have to consider that an LUP in many cases in all cases where property size *inaudible* example 10-acres and then the transition from LUP to CHamoru Land Trust, if you going to make claims to the property, we're not going to give you that 10-acre, we're going to give you what you're actually occupying which is actually maybe half-acre or one-acre at the most. That's our normally practice so you can't claim the 8 or 10 acres and then just keep carrying down for the grandkids or great grandkids or whatever. Right now, from we just mentioned that it went down to half-acre you can't there's no more claim there already. Also, the pre-occupier we have to consider that as a pre-occupier what are the requirements? You have to be there back before 1995 and presently there and continuing to be there and maintaining and using the property but in Ms. Guerrero's case, she was in and out of the place. And that disqualifies her already from a pre-occupier. I can't go to the states and come back 10 years later and say I'm a pre-occupier I want my property I'm a descendant I can't do that. You have too continuously occupy the property and maintaining the property. That's the requirement under the public law.

Chairman J. Reyes, Jr.: Okay, give me one second. I have a few hands raised here Ms. Guerrero. Ms. Camacho?

Acting Administrative Director A. Camacho: A question for Mr. Eay and Jessica, what is the lot size of Ms. Guerrero's father? What size is that?

Chairman J. Reyes, Jr.: Do we know?

Land Agent II G. Eay: It's not more than one-acre. Not more than one-acre.

Acting Administrative Director A. Camacho: So, he currently has up to one-acre, the lot that Lorette grew up on?

Land Agent II G. Eay: Let's say you have that one-acre and then if they could reduce the size to another half-acre if it is actually a one-acre and then that's the subdivision law for the Ag, provided that you have a half-acre lot for Ag.

Acting Administrative Director A. Camacho: What if we did subdivide it, it doesn't necessarily mean he could give it to his child or anybody he wishes too. I believe that if he subdivides it and reduces its size we go back to our list.

Land Agent II G. Eay: If the father decides that he wants to subdivide it for the kids, you're correct it has to go back to the list. Suppose his son is number 10, yes, they qualify but we have to go and give to number 9, give them that opportunity or number 8.

Chairman J. Reyes, Jr.: Understood. I mean there's a process to that but unless they're the beneficiary if they're deceased, right? Sorry, Ms. Guerrero, did you have something to say? I just want to make sure that we captured everyone's...

Lorette Guerrero: So, Mr. Eay and Ms. Dayday keep going back to the LUP and then my father's property all this and that, right? But, according to the pre-occupier law, it talks about presently continuously residing prior to July 12, 1995. Now, was I there prior to? Was I presently continuously residing on that property prior to July 12, 1995? Yes. And I also provided documentation showing that my father was occupying his portion of the property within that area. But, was I there prior to 1995? Yes. And there's no law that requires me to register myself at the mayor's office to say, oh, I live in Dededo but I'm farming in Mangilao or I'm occupying in Mangilao. There's no law that says, I have to report that to the mayor's office. In fact, there's no law that requires us to register with the mayor's office where we're living at. I could have two residences at one time if I wanted to. But the fact is was I there prior to 1995? Yes. Am I decedent of my great-grandfather? Yes. Was the land, the lot 19 that I'm occupying now, was that a portion of Lot 5402? Yes.

Chairman J. Reyes, Jr.: Okay, alright, thank you, Ms. Guerrero. Attorney Toft, a question for you. So, I think that's where I was going along the lines from a pre-occupier standpoint. And I understand what Mr. Eay had described in regards to continuously living but then there's the cut-off point prior to 1995. Were you continuously living in that area? So, Attorney Toft, given just what Ms. Guerrero had kind of walked us through in regards to she may be living somewhere else but farming here; is this something that can still be part as factor for a pre-occupier stand point?

Attorney N. Toft: Yes, and I think that's what the previous board kind of hung their hat on as well, was that this was a family lot, there were the family members living on the lot. It was a much bigger lot that got reduced and the language of that 6.4 I forget what code section or whatever they codified it as but the pre-occupier section doesn't require the person to be a lessee prior to 1995 just says resident. So, I think that was in that prior board meeting they were considering all the members of the household lived there under the previous LUP not just the person who the name of the LUP was under.

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

Land Agent II G. Eay: Also, I...

Chairman J. Reyes, Jr.: Let me... hang on. I think. Let me just state this and the commission obviously needs to make a decision. However, I think we've exhausted this enough just given what Attorney Toft has just shared with us. Given this new findings of the LUP prior to 1995, I think we've exhausted this enough. I think that we may – we should consider this eligibility piece, we honor what has already been approved by the board and we move forward. That's kind of where I'm at this juncture. Because we could stay here all night and debate this but I think we got to draw the line somewhere and I understand and again, this is not my decision right now but this is kind of where I want to make sure that we have this dialogue with the commissioners; is are we going to continue to belabor this or do we just – given what we just kind of worked through with Attorney Toft and with Ms. Guerrero and Ms. Dayday and Mr. Eay... just got to draw the line somewhere and if we make this decision we got to know that going forward these are decisions that we need to – this interpretation or how we're going to decide on this is how we manage it going forward. Because at the end of the day, we're in the fourth or fifth meeting, right? And we're still trying to figure this out from just how the lease was acquired. I think what we need to do is we need to move forward and address the next issue and not necessarily this piece anymore. I just wanted to take a quick pause there and maybe give the commissioners some time to also just think of what we just walked through with Mr. Eay, Ms. Dayday, and Attorney and Ms. Guerrero. So, I'm just going to take a quick pause and turn it over to my commissioners to see if you have any additional questions to ask to make sure that it's clear and if we decide to move this way but it's just kind of my in just understanding what we went through today.

Commissioner A. Bordallo: Well, all I can say is the Feja's had the Arruendo and CHamoru Land Trust came and they implement the CHamoru Land Trust to give the lands to the people. Isn't this a grandfathered thing? Because CHamoru Land Trust did take back some of that land but left some for the Feja's. So, we should *inaudible* what should be now what they have.

Chairman J. Reyes, Jr.: In regards to that lineage?

Commissioner A. Bordallo: Yeah.

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

Commissioner D. Herrera: I'd like to hear what is the Director's position

Commissioner A. Bordallo: Sometimes laws are written sometimes it makes it difficult for us to make those decisions. But sometimes we have to look at it outside the box and try to understand

Chairman J. Reyes, Jr. And to add to that, a decision has already been made and I did want to see how did all of this transpired. I think we're seeing it. We see how it has transpired and it's not necessarily – to Commissioner Bordallo's point sometimes it doesn't allow us to act. However, if it has been acted on and if we're comfortable with that decision and we just move forward and then there's two other issues that we need to address so, that's my stance. I'm just wanting to make sure that that dialogue is out there and take a pause. Again, we could go through this on hours on that. But, to Commissioner Herrera's point, if Ms. Camacho has an additional

Commissioner D. Herrera: Yeah just to hear because we heard from our staff members that has done continuous work research.

Acting Administrative Director A. Camacho: So the... and I'd like for them to have my back on this too. So, correct me if I'm wrong, pre-occupier qualifications is that they occupy and continue to occupy so, and I apologize for belaboring this but it's not just that you occupied it and then relocated is that you continue to occupy so I believe the intent of it is, is that we do not evict and we are not evicting.

Chairman J. Reyes, Jr.: Understood. We're not... that's definitely not what is even being discussed, correct, yes.

Acting Administrative Director A. Camacho: But just the occupy and continues to

Land Agent II G. Eay: I agree with you Director, we're not here to evict Ms. Guerrero. She's already been through a lot. Already and it's just like you mentioned about the question about pre-occupier. We could put that aside, but the only last thing that I just want to comment in the act – Public Law 23-38 when you issue a lease, a lease has to be issued out by date and time and in this case the application date is in 2006. So, what are we going to do with that? The date and time...

Chairman J. Reyes, Jr.: It's already been issued. A lease has already been issued.

Land Agent II G. Eay: And so this is going to set precedence to others that our date and time that are 2010 that have a lease *inaudible*

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

Land Agent II G. Eay: I just want to make that clear.

Chairman J. Reyes, Jr.: And we've had these same challenges and we're going to continue to have to address them. We've been... you know, how did they get there? But they got there and they got approved and they got issued. I'm not trying to say that we're going circumvent it but if it's been ratified, signed off and everyone all three signatures are there, I mean, I get it. We are opening ourselves up for that, but again, we haven't made a decision but we have everything on the table now in regards to moving forward and just leave this piece alone and we move forward. But I want to make sure our commissioners, we have all the information in front of us. Yes, we make this decision today, it's going to set some precedence, but we have to also those will get handled. We need to issue '95s, okay? We got to cross, we got to bifurcate our efforts and we got to start issuing the '95s and we're making progress to that and we're always going to have the problems. It's never going to go away and if we again, if the commission decides, we leave this alone and move forward and approve everything that needs

to be approved in order for this house to get built. Okay, we put our stamp of approval there and all the issues that come through, we deal with it, just like we did with this and go through the motion. The fact that you found the LUP from 1950, I mean is that something that was found just recently?

Land Agent I J. Dayday: Actually, it was Ms. Guerrero that gave that to us.

Chairman J. Reyes, Jr.: And see that's what I mean, it took us this long but it is helping the case in that sense of; here's what has existed, here's the larger parcel – smaller parcel, etc....etc....etc.... but guys, dispensa, Saina, we just can't... we're going to continue to see this every single time? Let's put our focus on the '95s to get those leases new leases out, we'll have to deal with this and if it's one case at a time every three months then it's one case at a time every three months. That's just where I think we need to... we have taken the time, the team has done a really good job in the research, Ms. Guerrero has also done her research, Attorney Toft, has given us some type of guidance in how to address this. We know the risk, but the lease has been issued. I just don't know what we could do, then move forward, right? But that's just what I want to make sure we address knowing what we know today. And for our commissioners, right? That's a task at hand and are we willing to take that stance and have to deal with each case one by one as they come up but guess what, we can issue to 30 new leases hopefully and pray to god in the next 60 days – 90 days – 120 days, so...that's where I stand and please ask the questions.

Commissioner D. Herrera: Just one question.

Chairman J. Reyes, Jr.: The land use permit is what number?

Land Agent I J. Dayday: That's on the

Commissioner D. Herrera: I remember this started in 1950 then it was shut down at the time when the Land for Landless program that you mentioned, the arruendos and then the...

Commissioner A. Bordallo: No, Land for the Landless is different from the Arruendo.

Commissioner D. Herrera: But remember the Land for the Landless came from the CHamoru Land Trust inventory that was surgically cut out from the CHamoru Land Trust inventory. And that's why it came to here.

Land Agent I J. Dayday: They have... she had multiple

Commissioner D. Herrera: Okay, but the first issued Land Use Permit in 1950

Land Agent I J. Dayday: Oh, the one from Francisco Feja Feja's own.

Commissioner D. Herrera: If not then it's okay.

Chairman J. Reyes, Jr.: But we have a documentation – we have a copy.

Land Agent I J. Dayday: Ms. Guerrero submitted that part. She gave us that one. Because we didn't have Francisco Feja Feja's own records

Commissioner D. Herrera: But she had the copy of it?

Land Agent I J. Dayday: She's the one who gave us a copy

Land Agent II G. Eay: The reason why we don't have the records is because when they gave us the Land Use Permit records are for those who are currently occupying that are still on the property actively. So, that's why we don't have records per se.

Commissioner D. Herrera: I understand. But that Land Use Permit had three categories, those that had had their properties fully condemned by the Federal Government, priority one then two and three. And then it has the year by year-by-year thing

Land Agent I J. Dayday: Well, the one by Francisco Feja Feja, there was nothing prior to 1950 and there was nothing after. It went to his I believe his daughter and I know his son has the same name so he also had one.

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

Commissioner D. Herrera: That's it. And I like to commend the staff for doing this work.

Commissioner A. Bordallo: Yes

Chairman J. Reyes, Jr.: Yes, 100% and it took a long time and a lot of meetings but it got us where we're at today.

Commissioner D. Herrera: And it's a lesson learned for all the other applicants coming in and I'd like to use this as a model.

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

Commissioner D. Herrera: Anyway, may I make a motion?

Chairman J. Reyes, Jr.: Give me just one second before we take action. Commissioners, I just want to make sure that everyone is aligned with the motion that you're going to make and that we're all comfortable again, the decision that we make today is going to follow suit for others however, they'll be the issues we take up every time and our goal is '95. So, I do have one question to... no, I don't, I don't have any more questions, sorry.

Land Agent I J. Dayday: So, when you make your mention it's not for her to get the lease it's just for her to move forward with the building authorization?

Chairman J. Reyes, Jr.: Because the lease is already there.

Land Agent I J. Dayday: Right so that's what you're going to...

Chairman J. Reyes, Jr.: No, no, right now is

Land Agent I J. Dayday: It's just that we're going to move forward with building – for her request.

Chairman J. Reyes, Jr.: Yes, well, I'm sorry, two things Commissioner Herrera, real quick. Are we deciding to – we're moving forward without having to with the decisions that were made with the previous board? Is that the decision? We're keeping everything as is in regards to the lease, in regards to yeah, basically we're not...

Land Agent II G. Eay: The cease and desist will all be removed

Commissioner D. Herrera: Right

Chairman J. Reyes, Jr.: Yeah

Land Agent I J. Dayday: So, that will be the... the cease and desist and then

Chairman J. Reyes, Jr.: To retract the cease and desist

Land Agent I J. Dayday: And then her building permit authorization, the authority from the board

Chairman J. Reyes, Jr.: And then we don't need to touch on the previous decision from the board. We were just, there's no decision on that, that's staying.

Commissioner A. Bordallo: That stays.

Chairman J. Reyes, Jr.: That stays, okay. Commissioners, again, that's what we have in front of us is the decision from the board previously stands. The permit – the cease and desist gets retracted and the permit authorizations

Land Agent I J. Dayday: The building permit authorization

Chairman J. Reyes, Jr.: The building permit authorization will need to be approved.

Land Agent I J. Dayday: Because already there was a clearing

Land Agent II G. Eay: And the UT also

Chairman J. Reyes, Jr.: UT – Utilities?

Land Agent I J. Dayday: *inaudible* the utility authorization for her to move on with the construction

Chairman J. Reyes, Jr.: Okay, so, utility authorization, building permit, and...that's it oh and retract cease and desist.

Land Agent I J. Dayday: And I don't know what else she's requesting but that the one

Chairman J. Reyes, Jr.: Well these are the one things for me, is the only way to move forward. We're not... we're keeping again, if the commissioners decide if we keep what the previous board had decided and the lease issued now it's just time to move on but we did, the leg work was done we understand where we're at and yeah I think that's.... So, Commissioners, any additional questions before that motion is made?

Commissioner D. Herrera: No...I'm...thank you, sir.

Chairman J. Reyes, Jr.: Okay, go ahead Commissioner Herrera.

Commissioner A. Bordallo: You do it. You're good at it.

Commissioner D. Herrera: Mr. Chairman, with all do respect, I would like to make a motion to rescind the order to cease and desist on Ms. Lorette Tenorio Guerrero's dated on March 14, 2022, and to move forward and to approve the UT authorization and the building permit authorization.

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

Commissioner A. Bordallo: Plus power?

Multiple responses: Yeah, UT is for GPA and water

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

Commissioner A. Bordallo: I second it.

Chairman J. Reyes, Jr.: Any objections?

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay, the motion has passed to rescind the cease and desist, to approve the building permit and the UT authorization for Ms. Guerrero – Ms. Lorette Tenorio Guerrero. Okay, thank you, Commissioners. This was a big one and this is a tough one that we will hang our hats on and we'll have to deal with going forward. Mr. Eay, is there any other outstanding issues?

Land Agent II G. Eay: No, we addressed it already.

Chairman J. Reyes, Jr.: Ms. Guerrero

Lorette Guerrero: Yes, Mr. Chairman.

Chairman J. Reyes, Jr.: Thank you for your patience as we went through this with the numerous meetings but I think the team has done a great job along with your assistance to get us where we're at today. Do you have any questions, concerns or comments?

Lorette Guerrero: Actually for the building permit, can you just include building clearing permit that way we're just clear on the clearing part.

Land Agent I J. Dayday: She already has a clearing so the only thing that she really needs from the board is the building permit authorization because the director was able to approve her clearing.

Chairman J. Reyes, Jr.: The clearing was already approved Ms. Guerrero it's just the building permit that needs to come through the board. Any other questions?

Lorette Guerrero: Okay, that's fine, thank you. Thank you, commissioners. No, I do not. Thank you.

Chairman J. Reyes, Jr.: So, going forward if there's any other issues that may arise please ensure to work through Mr. Eay and Ms. Jessica Dayday and we wish you well in completing this process.

Lorette Guerrero: Thank you and please if anything else comes up let me know you have my email.

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

Lorette Guerrero: Thank you

2. Eddie Concepcion Muna

Chairman J. Reyes, Jr.: Okay, thank you, everybody. Next up on our agenda for Constituent Matters is for Mr. Eddie Concepcion Muna and may I ask who is the land agent?

Administrative Assistant: Are you tabling that?

Land Agent I J. Dayday: I wanted to know if I could move forward with it

Administrative Assistant: Oh

Chairman J. Reyes, Jr.: Are you ready to move forward or should we...?

Land Agent I J. Dayday: Yes, but if I can just run and get the file real quick?

Chairman J. Reyes, Jr.: No... I'm just kidding.

All: Laughing

Chairman J. Reyes, Jr.: Do we have Mr. Muna here? Do we need Mr. Muna?

Land Agent I J. Dayday: No

Chairman J. Reyes, Jr.: No, okay. Okay, alright Ms. Dayday, thank you.

Land Agent I J. Dayday: Do I have to say my name again...?

Chairman J. Reyes, Jr.: No, you're fine

Land Agent I J. Dayday: With this case, I have Mr. Eddie Concepcion Muna. I just want to let you know before we move one is that one of the land agents, Mr. Eay – Glenn Eay is opposed to this, I just wanted to let you know that and then you can....

Commissioner A. Bordallo: Where did he go?

Chairman J. Reyes, Jr.: But Mr. Eay did sign off on this to bring to the board?

Land Agent I J. Dayday: I'm sorry, he retracted his

Chairman J. Reyes, Jr.: Okay, so that's for the record, Mr. Eay has retracted his signature on review and approved, correct?

Land Agent I J. Dayday: Correct. So, this case is Eddie Concepcion Muna he is an agriculture lessee and the issue is emergency transfer of an agriculture lease to Sirena Muna Sanchez and then to well, I guess we wouldn't really have to do the qualifications right because it was granted to the director in this meeting or do we still have to qualify?

Chairman J. Reyes, Jr.: And that was recently so, yes, I would get through the entire process here, yes.

Land Agent I J Dayday: And then to qualify Sirena Muna Sanchez as an eligible beneficiary of the CHamoru Land Trust Commission. So, the application date and time is January 9, 2001 at 2:16 p.m. Application number 5499, application type is an agriculture. He's a pre-occupier, there's a mayor's certification signed by Mayor Melissa Suvares, land use permit dated, February 22, 1994. LUP No. 3093, there was a notice of intent that was awarded for Lot 10122-18 signed by Administrative Director T Elliot. There was a lease signing January 31st 2019 signed by the CLTC Chairwoman G. Pika Fejeran, board approved on January 17, 2019 and recorded under document number 931028. The location is Lot 3, Block 17, Tract 10316 in the Municipality of Dededo, lot size is 8,140 square meters or two-acres, survey authorization was dated January 31st 2019 signing by Acting Administrative Director Paul Santos, there's no survey map. My findings is Public Law 23-38 Section 7.5; Transfer of Leases. Request for transfer will be considered for approval only if the lessee has held such a lease for a period of at least seven years. But in this case, unless the commission in it's considered opinion finds that an emergency exist which makes the transfer imperative. There is a physician's certification and notarized request to transfer the lease from Eddie Muna to Sirena Muna and that was submitted August 11, 2020. The birth certificates of Antonio... so this one goes into the qualifications of Sirena so the birth certificate of Antonio Junior Sablan father of Sirena Sanchez, death certificate of Magdalena Concepcion Concepcion, judgement and declaration of taking was submitted and based on the research Sirena Muna Sanchez is the direct descendent of Magdalena Concepcion Concepcion. So Eddie Concepcion Muna is an agriculture lessee requesting an emergency transfer of lease to Sirena Muna Sanchez. She is the niece and attorney in fact. Mr. Muna had fallen ill and is unable to fulfill the requirements to be in compliance of his lease agreement. Eddie Muna is currently well at the time I did this report he was currently residing in a health care facility and his home is not safe and easily accessible. Sirena Sanchez would like to build a safe and comfortable place for Mr. Muna to call home and be cared for by family. Mrs. Sanchez is aware of the agriculture requirements which she has presently and continuously been maintaining. My recommendation is to approve an emergency transfer of Eddie Concepcion Muna's agriculture lease from Lot 3, Block 17, Tract 10316 in the Municipality of Dededo to Sirena Muna Sanchez subject to completion of survey and to qualify Sirena Muna Sanchez as a beneficiary of the CHamoru Land Trust based on Public Law 35-112.

Chairman J. Reyes, Jr.: Okay, thank you. Commissioners, I yield to you for any questions before I begin. Go ahead Commissioner Bordallo.

Commissioner A. Bordallo: Why is this Mr. Glenn Eay *inaudible*

Land Agent II G. Eay: Oh, okay. I initially wasn't *inaudible* in favor of the staff report which is why I changed my mind is because of the date and time of the application which is number one and now that we had a previous ruling earlier with Ms. Lorette Guerrero this being in a 2001 applicant and this individual has been occupying and always occupying and never left the place. I know him on a personal level *inaudible* he was one of my employees when I had him *inaudible* before and he lived and occupied since I know back in the 1990s and currently and that's why I went ahead and retracted and took out my initials not in favor but now I'm going back and says I'm fine with it. He never left the place and he's a 2001 applicant that was my main point but now that I know he was board approved everything he went through the whole process I'm retracting that

Chairman J. Reyes, Jr.: I do have one question. How did...or is it an agriculture lease but it's not commercial right?

Land Agent I J. Dayday: No

Chairman J. Reyes, Jr.: So, my concern is the two acres.

Land Agent I J. Dayday: Because he was under the Arruendo, his father the original applicant is his father and he was the beneficiary to his father's application and then his father passed away but when the father was still alive and he had the two acres, that was approved by the director – administrative director at the time. But it was the director that allowed him to continue on of the farming of the two acres

Chairman J. Reyes, Jr.: Of the two acres?

Land Agent I J. Dayday: Yes. And there is site inspection reports. I'm mean today there are like trees, you can tell there's long term trees that is kind of farm activity. But because the lease was also issued after 1998 I have spoken to Ms. Sanchez and she has agreed to go down to the half-acre as long as it's within where their house is at

Chairman J. Reyes, Jr.: Okay, so, she's okay to decrease size?

Land Agent I J. Dayday: I don't know if it's in there I don't think I gave it

Chairman J. Reyes, Jr.: No, you have a single page

Land Agent I J. Dayday: So, I did ask for a little scheme to cut it up.

Chairman J. Reyes, Jr.: Go ahead Commissioner

Commissioner D. Herrera: That's 10122-18, the scheme?

Multiple conversations

Land Agent I J. Dayday: That's Chalan Ybamba

Land Agent II G. Eay: Across La Familia

Chairman J. Reyes, Jr.: The market, La Familia market

Land Agent I J. Dayday: Yes, right across.

Commissioner A. Bordallo: *inaudible*

Chairman J. Reyes, Jr.: La Familia

Land Agent I J. Dayday: Next to the GPA...

Land Agent II G. Eay: Adjacent to the GPA power pole when you're facing GPA power pole it's to your right side

Commissioner D. Herrera: And the Lot 3, Block 17, Tract 10316 is

Land Agent I J. Dayday: So, if I may, Pierce, how did it become a tract from the lot?

Engineering Tech II P. Castro: Based on 10122

Multiple discussions

Commissioner A. Bordallo: What street are the on, the main street?

Land Agent I J. Dayday: She's on Chalan Ybamba

Chairman J. Reyes, Jr.: Chalan Ybamba

Land Agent II G. Eay: Ysengsong

Chairman J. Reyes, Jr.: Ysengsong, yeah.

Land Agent I J. Dayday: It's just a draft until I request from the director

Commissioner D. Herrera: So, the basic lot is 10122 and then it's a portion of similar to

Engineering Tech II P. Castro: to Lot 5402

Commissioner D. Herrera: To Lorette Guerrero's basic lot

Multiple Responses: Correct

Chairman J. Reyes, Jr.: Okay. And they're okay with decreasing the size? So, I know

Land Agent I J. Dayday: They're not really okay with it but you know the law, they're willing as long as this is where she's at as long as the area that she's given or they're given is where their grandfather's kitchen you know what was sentimental to them.

Chairman J. Reyes, Jr.: I know that there are – we can make provisions for that but what if it's right in the center now we have perimeter of land that we can't touch because we gave the center. So, how do we – before we make any approvals, how do we make sure, right, Pierce?

Engineering Tech II P. Castro: She's planning to go out and GPS the areas that they want

Land Agent I J. Dayday: Which is already done that's why drawing that was done by Melvin but he's not here no more

Multiple conversations

Land Agent I J. Dayday: So, we can actually – if we give them the half acre then we have the remaining to lease out

Chairman J. Reyes, Jr.: So, what's remaining you're saying is Lot 3-3?

Land Agent I J. Dayday: And then there's another one

Chairman J. Reyes, Jr.: 3-2? But what we're going to cut down is basically it's 3-3? Just come up, just make sure the commissioners understand what we're doing here.

Land Agent I J. Dayday: So, this is where their house is so these two properties can be leased out

Chairman J. Reyes, Jr.: So, only 3-3 is where we're saying is going to be for the Muna family.

Commissioner D. Herrera: And you're saying Lot 3, Block...?

Land Agent I J. Dayday: So, if it does get approved then it won't be lot it'll be Lot 3 *inaudible*

Commissioner D. Herrera: So, no map yet, no? Just table top?

Land Agent I J. Dayday: Yeah, Melvin went out there with us to GPS with the area and that's how he came up with this

Engineering Tech II P. Castro: That's how it's going to be surveyed

Chairman J. Reyes, Jr.: Right, so my next question is who's going to survey this to make sure that we got all four corners?

Land Agent I J. Dayday: It's the responsibility of the lessee.

Background conversations

Land Agent II G. Eay: Because they never did survey

Land Agent I J. Dayday: Because they were already issued the survey and they want to...

Commissioner D. Herrera: Yeah, I understand. Can you state the law that states that it's the lessee's responsibility to... I'm not challenging I'm just saying.

Land Agent I J. Dayday: Okay, I'm saying it's their responsibility because they're the ones that want the changes

Commissioner D. Herrera: Understand but by law they're required

Land Agent I Dayday: I didn't say by law. I just said it's their responsibility because they want to – there's changes that are made to the lease

Multiple talking

Commissioner D. Herrera: If they don't have the funds right that's my point

Land Agent I Dayday: They do, that's why they want... they've been waiting for survey authorization this has been my case since 2019 since the lease since 2020 and it just never moved forward and this was an emergency situation and Mr. Muna wasn't allowed to go back home because of the structure. That structure has been there since I guess the father has you know

Chairman J. Reyes, Jr.: Ms. Camacho you had some...sorry.

Acting Administrative Director A. Camacho: Perhaps the remaining lots we can absorb the survey. Maybe we can just consider her just portioning out her half-acre and if we can do the remaining that way we have lots

Land Agent II G. Eay: The remaining we note it not part of survey

Acting Administrative Director A. Camacho: It could possibly be our responsibility or perspective lessee in case we are able to find an applicant.

Chairman J. Reyes, Jr.: We can consider that down the line given that you know...we're wanting to make some leases, right? Okay. So, given that the family – if we make this change and they are open to the decrease in size, we'll do the survey, we'll give them the authorization with the condition that they have to do it within a period of time, correct? Should we put a condition?

Land Agent I J. Dayday: Yeah, because we cannot issue an addendum, we can't transfer anything to Sirena if she doesn't survey

Land Agent II G. Eay: Subject to survey

Chairman J. Reyes, Jr.: Subject to survey within how long, 90 days?

Land Agent II G. Eay: We always give a window of 90 days but it's really hard a surveyor right now but they can always come back and get another

Land Agent I J. Dayday: And then they're going to have issues – yeah, so we don't really – as long as there's a completion of survey we won't be able to issue the addendum

Chairman J. Reyes, Jr.: Right, understood. Attorney Toft, real quick on this. Given that the constituent is willing to decrease the size, we put the condition of survey; is there anything that we're missing here that we're not seeing?

Attorney N. Toft: Not that I'm seeing, no.

Chairman J. Reyes, Jr.: Okay, Commissioners, any other questions? And there is a lease? We're good, right?

Land Agent I J. Dayday: There's a lease and it's recorded but it's under Mr. Muna.

Chairman J. Reyes, Jr.: Right. So then our action is to qualify Ms. Sanchez and then allow for the transfer of lease to Ms. Muna. And you do have all this documentation regards to Mr. Muna's condition?

Land Agent I J. Dayday: Yes, it's all in here. Because it's a medical thing

Chairman J. Reyes, Jr.: Oh yeah yea we don't want to HIPPA, right? No details. Commissioners, any additional questions? Okay, if you would like to move forward?

Commissioner A. Bordallo: I would like to make a motion to allow to approve Sirena Muna Sanchez as beneficiary of Eddie Concepcion Muna and that we authorize her to get a map survey property on Lot 10122-18 in Dededo or I'm sorry, Lot 3, Block 17, Tract 10316 Dededo and to decrease the 8,140 square meters which is two acres to half an acre.

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

Commissioner D. Herrera: I second the motion

Chairman J. Reyes, Jr.: Okay, thank you, Commissioner Herrera. Motion passes to decrease the size of Lot 3, Block 17, Tract 10316 from 8,140 square meters two acres down to half an acre, to approve the eligibility of Sirena Muna Sanchez as the beneficiary of Eddie Concepcion Muna

Land Agent I J. Dayday: No, a beneficiary to CHamoru Land Trust Commission

Chairman J. Reyes, Jr.: Sorry, to CHamoru Land Trust Commission. I think we have one more?

Land Agent I J. Dayday: So, are you approving the emergency transfer?

Chairman J. Reyes, Jr.: We didn't do that one yet.

Land Agent I J. Dayday: Oh okay, that's the one I wanted to

Chairman J. Reyes, Jr.: So, T, we got three right?

Administrative Assistant T. Tainatongo: Yeah, you're going to have three, one is A, approve the emergency transfer for Lot 3, and then 2, would be to qualify Sirena and then 3, would be to decrease the acreage

Chairman J. Reyes, Jr.: Okay so we did two so we just need the motion to approve the emergency transfer now

Commissioner A. Bordallo: I would like to make a motion to an emergency transfer of agriculture land to Sirena Muna Sanchez from Eddie Concepcion Muna

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

Commissioner D. Herrera: I second the motion

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

Commissioner A. Bordallo: None

Chairman J. Reyes, Jr.: Okay, the motion passes for the emergency transfer of agriculture lease to Sirena Muna Sanchez from Eddie Concepcion Muna. Okay, thank you, Commissioners.

AGENCY REPORT

Chairman J. Reyes, Jr.: Alright, next up on our agenda, we're winding down here. We have our Agency Report and then our Financial Reports. Okay, Ms. Camacho

Acting Administrative Director A. Camacho: On June 23rd 2022, CLTC was awarded two hundred thirty-nine thousand 2022, CLTC was awarded two hundred thirty-nine thousand six hundred ninety-three dollars (\$239,693.00) grant from the US Department of Interior Office of Insular Affairs. The grant money will be used for the development and creation of database and includes the scanning, digitizing and *inaudible* of CLTC's current and future documents. Also, the development and creation of CLTC's website. Next item,

Chairman J. Reyes, Jr.: Angie, real quick, what was the total amount of that grant?

Acting Administrative Director A. Camacho: Two hundred thirty-nine thousand six ninety-three

Chairman J. Reyes, Jr.: Awesome, that's good. That's some great news, thank you for that.

Acting Administrative Director A. Camacho: Absolutely and I'm just happy that that was one of the items put in our strategic plan and the funding came through in the form of a grant which is great for the agency. Okay, on July 26, CLTC had a budget hearing for our FY2023 Budget request for the request of one million eight hundred thousand nine hundred sixty dollars (\$1,800,960.00) we hope the legislature will *inaudible* cost

Chairman J. Reyes, Jr.: So, it's one point eight nine six zero

Acting Administrative Director A. Camacho: Correct. Reporting to the board recruitments are unknown, we hope to commence in a few more weeks.

Chairman J. Reyes, Jr.: Okay, so have yet to hire? Correct?

Acting Administrative Director A. Camacho: Nothing has...no GG1s

Chairman J. Reyes, Jr.: No, GG1s yet but we've got our postings out, we know how many we need?

Acting Administrative Director A. Camacho: We've done some interviews

Chairman J. Reyes, Jr.: Okay, and then with the untimely passing of Ms. Lorraine, that will be another position we'll be... okay, alright

Acting Administrative Director A. Camacho: Yes, yes. On July 29th 2022, we'll be meeting with *inaudible* from RCAC who will be taking over the projects and is currently assisting CLTC with USDA application for a grant or loan for the installation of water and wastewater on Tract 1022. And on August 11, 2022, we'll be meeting with representatives from USDA's local and Hawaii's State Office. So, the last two items are just on update on our grant stats known for infrastructure, water and wastewater

Chairman J. Reyes, Jr.: Awesome, that's good news.

Acting Administrative Director A. Camacho: And that's our agency report for this board meeting.

Chairman J. Reyes, Jr.: Thank you, Angie. I had one question sorry I always forget to...

Commissioner A. Bordallo: Where is 1022?

Acting Administrative Director A. Camacho: It's in Dededo. That is the lot that is

Commissioner D. Herrera: Is that the sketch that we just had the portion of...?

Acting Administrative Director A. Camacho: No...no...

Commissioner D. Herrera: Because 1022 is from Marine Drive all the way to the golf course all the way over to Ysengsong

Commissioner A. Bordallo: That's for residential?

Chairman J. Reyes, Jr.: Yes, it's for residential for water – wastewater

Acting Administrative Director A. Camacho: Yeah, it's a contentious tract for us because there were multiple leases that have already been awarded and currently, they're substandard in size so, we need focus in bring the water and wastewater so they'll be in compliant

Commissioner D. Herrera: and it's *inaudible* quarter mile – one mile?

Acting Administrative Director A. Camacho: It's for approximately 166 lots oh, I'm sorry I'm sorry I'm confusing this, it's about 400

Chairman J. Reyes, Jr.: 400 lots, it's a larger piece

Commissioner D. Herrera: In circle – square you know configuration because it's *inaudible* it's okay.

Acting Administrative Director A. Camacho: This was Arruendo I believe that we inherited

Multiple conversations

Chairman J. Reyes, Jr.: So, if we have the wastewater, it'll be able to have more

Acting Administrative Director A. Camacho: They're actually about 500 square meters more or less currently and that puts us in a bad situation because without the infrastructure we'd need to increase the size to half an acre and we've already placed – about all 400 leases we'll have to relocate 300

Commissioner D. Herrera: What's the road name?

Acting Administrative Director A. Camacho: Oh, I'm sorry, I don't have... my crew left me.

Commissioner D. Herrera: That's not Swamp Road?

Acting Administrative Director A. Camacho: No

Commissioner D. Herrera: It's okay. I needed to know the detail, right, this is the company that's going to do the

Acting Administrative Director A. Camacho: So, let's sit down with Joey at your convenience and we'll show you what we have so far. So, we did do some preliminaries with GWA it'll show you the cost of

Commissioner D. Herrera: *inaudible* for public consumption

Acting Administrative Director A. Camacho: That's the ultimate, right.

FINANCIAL REPORT

Chairman J. Reyes, Jr.: Alright, Mr. Cruz, are you ready for our Financial Reports?

Acting Administrative Director A. Camacho: Mr. Cruz is asking to table

Chairman J. Reyes, Jr.: Table the report, okay.

Commissioner A. Bordallo: We can just look at it.

Chairman J. Reyes, Jr.: Yeah, we have the reports so if there's any questions, we'll let Joey know. So, we'll table that from a discussion.

COMMISSIONERS' COMMENTS

Chairman J. Reyes, Jr.: Alright, Commissioners and comments for today's meeting?

Commissioner A. Bordallo: I don't have

Chairman J. Reyes, Jr.: Yea, alright so again, I thank you guys for being able to navigate to some difficult scenarios today and I think we can definitely work together when all these other situations come up and with the help of the staff, they did a really good job in bringing some information and details to light, so, thank you.

PUBLIC COMMENTS

Chairman J. Reyes, Jr.: Okay, and we'll have some time for Public Comments. There is nobody in the room with us today for public comments. Anybody on the Zoom for public comments? Okay, hearing none.

Commissioner A. Bordallo: I have one. Congratulations for the grants.

Chairman J. Reyes, Jr.: Yes, congratulations of the hard work of Joey, Angie and the team to help put all those details together.

Acting Administrative Director A. Camacho: And I believe that's the first for CLTC, the first of many.

Commissioner D. Herrera: Congratulations

Chairman J. Reyes, Jr.: Yes, more to come. Okay, so may I get a motion to adjourn.

Commissioner D. Herrera: I make a motion Mr. Chairman to adjourn

Commissioner A. Bordallo: I second

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

Commissioners: None

Chairman J. Reyes, Jr.: Hearing none. The time is 4:04 p.m. and the meeting is adjourned for our regular meeting for today.

ADJOURNMENT: 4:04PM

Transcribed by: Tina Rose Tainatongo, Administrative Assistant

Approved by motion in meeting of: November 22, 2022

Chairman John F. Reyes, Jr.:  Date: 11/23/22