



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

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## **CHamoru Land Trust Commission Regular Board Meeting Thursday, September 19, 2024 at 1:00PM**

*Rodrigo A. Leon Guerrero*  
Governor

*Justina F. Tenorio*  
Interim Governor

### *Commission Members*

*Arturo P. Bordallo*  
Chairperson

*David B. Herrera*  
Commissioner

*Earl J. Garrido*  
Commissioner

*(Vacant)*  
Commissioner

*(Vacant)*  
Commissioner

*John T. Burch*  
Acting Administrative Director

CHamoru Land Trust Conference Room, 590 S. Marine Corp Drive ITC Building, Suite 223, 2nd Floor Tamuning, Guam. Public Comments may be made at [cltc\\_admin@cltc.guam.gov](mailto:cltc_admin@cltc.guam.gov) To view the meeting virtually, log on to GovGuam Live-YouTube or CLTC's Facebook page or Google Meet joining info Video call link: <http://meet.google.com/kt-nzjj-dve>

## **MEETING MINUTES**

### **I. Call to Order at 1:15PM**

Present: Chairperson A. Bordallo, Commissioner D. Herrera, Commissioner E. Garrido, Acting Administrative Director J. Cruz, and CLTC Staff, Atty N. Miller (OAG)

### **II. Certification – Public Notice Requirements**

- a. Guam Daily Post (09/12/24 and 09/17/2024)
- b. Guam Public Notice Website (<https://notices.guam.gov>)
- c. CLTC Facebook Page

### **III. Approval of Minutes**

- a. February 22, 2024 (Resumption Meeting)  
ACTION: Motion by Commission D. Herrera, 2<sup>nd</sup> by E. Garrido  
**PASSED unanimously**
- b. March 21, 2024, 2024 (Regular Meeting)  
ACTION: Motion by Commission D. Herrera, 2<sup>nd</sup> by E. Garrido  
**PASSED unanimously**
- c. April 03, 2024 (Resumption Meeting)  
ACTION: Motion by Commission D. Herrera, 2<sup>nd</sup> by E. Garrido  
**PASSED unanimously**

### **IV. Administrative Director's Report**

- a. **Enhancement of CLTC Technology Infrastructure Project:** The CLTC Technology Infrastructure Project upgrade was funded through the Office of Insular Affairs Technical Assistance Program (TAP) Grant Program. By September 30, 2024, CLTC's website design and development is expected to be complete. CLTC will have its own webpage.
- b. **Proposal for the digitization and website data software:** A proposal for software and document scanning for digitization and website data software. RFP setback: originally planned for September, it is now set for October 2024. By September 30, 2025, the project is anticipated to be finished. The system will enable each constituent to view their information by using their login credentials.

Rev. 04/04/2024

- c. **GWA Proposed System Improvement Project:** The project will start in 2025 and aims to modernize the Adacao Water and Sewer Infrastructure. At this point, there was no specified month to start.
- d. **Compliance Inspection for Piti:** Inspection for Piti has been completed; CLTC will review the findings and send out letters to those lessees who are non-compliance. CLTC will communicate with Mayor Alig regarding the constituent's position in the village.
- e. **CLTC Office Space:** CLTC and GSA will collaborate to release an invitation to bid for office space next month. In order for CLTC to know the location of the office space, CLTC expects this to be finished in two months. In preparation for a staffing growth, CLTC sought 5,000 square feet for the office space.
- f. **Public Notice:** Recently, CLTC placed an advertisement in the press asking applicants and lessees to update their contact details. Just eleven constituents asked CLTC to update their information last week. To assess if there will be a better response, CLTC will be contacting each mayor's office and asking them to post the generic notification. Additionally, CLTC is investigating displaying the notice at every Post Office site. The CLTC's Facebook page also featured the Public Notice.
- g. **CLTC Checklist for Lease Award:** Each Board member received a copy of the CLTC draft checklist for Lease Award for evaluation, comments, and suggestions. According to AAD, the purpose of the draft form is to hold everyone responsible and make sure CLTC is adhering to the lease award procedure, making sure that all requirements are fulfilled.
- h. **Retirement Notification – J.T. Burch:** The Inter-Office Memorandum Retirement Notification from Acting Administrative Director John Burch was distributed to the board members by AAD. Date of implementation: September 27, 2024.
- i. **CLTC September 30, 2022 Financial Report:** The board members and AAG were given copies of the FY2022 audit report in case they had any queries or needed clarification on any of its contents.

## V. Old Business

- a. **Acting Administrative Director, Joseph B. Cruz Jr. – Detailed:** Specifics according to AAD J Cruz, DOA cited legal provision stating that retroactive payment is prohibited when he submitted his GG1. A copy of Personnel Rules and Regulations 6.009, which deals with compensation after an acting appointment. Positions that do not require the legislature's advice and permission must be in place for at least 30 days and no more than a year, according to item B. The difference in pay will not be paid until the employee has completed 30 calendar days of acting work. Over the course of 30 days, AAD J Cruz served. The board must approve the retroactive pay through May 13, 2024, according to DOA.

**ACTION: Motion by Commission D. Herrera to confirm Acting Director Joseph B. Cruz as Acting Administrative Director starting May 13, 2024, until such time Acting Director Joseph B. Cruz is officially replaced.**

**Commission E. Garrido second the motion.  
PASSED unanimously.**

- b. **Global Recycling:** AAD J Cruz asked the board for permission to speak with the AG Office about the property Global is now using, which could raise legal issues due to the credit that is still owed to Mr. Benny Bello of Koku Recycling. Additionally, the location now has environmental issues that could result in additional legal decisions.

**ACTION: Motion by Commission E. Garrido to authorize Acting Administrative Director Joseph B. Cruz to work with the Attorney General Office to 1.-clarify the situation that is occurring with the recycling center. 2.To do research for the Radio Barrigada Site, and 3.- to write a memo to the EPA for an in-depth detail analysis of the property of the Global.**

**Commission D. Herrera seconded the motion.  
PASSED unanimously.**

- c. **Medpharm:** From 2014 until the present, MedPharm has been using the CLTC property on Lot 2, Block 6, Tract 100C, Municipality of Dededo, without the required authority, according to information found by CLTC. DPW completed a site inspection, and the EPA's site inspection report is still pending. In addition to considering any penalties, interest, and other costs that were found to be reasonable, AAD J Cruz is asking the board to take into account the \$5.70 per square meter rate estimate. 15% per square meter is the annual rate under consideration.

**ACTION: Motion by Commission E. Garrido to request that the board allow AAD J.B. Cruz to remediate and resolve the issue with Medpharm based on the research that CLTC currently conducted at 15%.per annual.**

**Commission D. Herrera seconded the motion.  
PASSED unanimously.**

- d. **Tata Communications:** Talk about the License Agreement for Commercial Submerged Lands. With the approval of Public Law 36-108, the land lease was created. Commission Members, Attorney Miller, AAD J Cruz and Tata Communication Representatives Mr. Benson and Attorney Martinez talked on how many cables are in use, how many are not (still pending), and how much each cable costs to land.

**ACTION: Motion by Commission E. Garrido to allow the Acting Administrative Director to work with Tata Communications and finalize the lease and the terms of the lease.**

**Commission D. Herrera seconded the motion.  
PASSED unanimously.**

- e. **Bill 334-37 – Removing Legal Clouds on Existing Leases:** This measure aims to resolve all of the legal ambiguities surrounding our present leasing situation. On September 23, 2024, Bill 224-37 will be addressed in the legislature. AAD J Cruz expressed his concerns that extending an extension of three years to lessees who are not adhering to their lease terms may be excessive. Currently, CLTC provides the lessees sixty days to either comply with the terms of the lease or at least demonstrate some improvement.

**ACTION: Motion by Commission D. Herrera in favor of the language in Bill 334-37.**

**Commission E. Garrido seconded the motion.  
PASSED unanimously.**

- f. **Lot 7161-R1:** The draft sponsor type leasing agreement is discussed for evaluation by the Attorney General, the Board, and the AAD. This has to do with the current Public Law No. 37-125, page 158, section 62, which deals with the Guam Motorsports Association's Lease of Lot 7161-R1 Yigo, Guam. Present the Guam Motorsports Association's John Burch Jr., Hans Ada, and Ryan Castro. The board is asking GM Associates to submit a proposal that includes the following: a disability study, financial statements, sponsors, a usage fee, the length of time (in years), and the size of the site being requested for the raceway and events. Over supporting documentation. The time of the session will depend on when GM Asso. The proposal has been submitted, and CLTC must ensure that it is appropriately announced by adhering to open government law.

## **VI. New Business**

- a. **Residential and Agriculture Lots to be leased:**

**ACTION: Motion by Commission D. Herrera to approve the potential agricultural and residential lots to be leased, presented by the Acting Director.**

**Commission Member E. Garrido seconded the motion.  
PASSED unanimously.**

- b. **Land Registration:**

The board received a copy of the lot listing from AAD J Cruz, arranged according to the most impacted lots. AAD J Cruz asked the board for permission to register the lots.

**ACTION: Motion by Commission D. Herrera to approve the unregistered property list and to start the process for registering in the order that was listed.**

**Commission Member E. Garrido seconded the motion.  
PASSED unanimously**

- c. **Approval of Updated Agriculture and Residential Lease Templates:** In light of the law's modifications on successorship and qualification, the templates must be updated. After being examine by AAG N. Miller, the templates were submitted to the board for approval.

**ACTION: Motion by Commission D. Herrera to approve the new updated Agriculture and Residential Lease Templates.**

**Commission Member E. Garrido seconded the motion.  
PASSED unanimously.**

- d. **Updated Applicant/Lessee Successor Designation Form:** The form was revised to reflect all recent changes to the requirements, including the addition of applicants and lessees as successors. The designated successor's signatures will be needed at the bottom of the form.

**ACTION: Motion by Commission D. Herrera to approve the new updated Applicant/Lessee Successor Designation Form.**

**Commission Member E. Garrido seconded the motion.  
PASSED unanimously.**

## **VII. Constituent Matters**

- a. **Ernie SN Aguon (deceased)**– Son requesting termination of his father's leased and application. Ernie Aguon deceased.

**ACTION: Motion by Commission E. Garrido to approve the request Lot 10120-13, Dededo consisting of 5 acres, recorded with DLM Ins. No. 736443 to terminate the application and the lease for the agricultural property and refund the remainder of the \$99.00 for the 99 years. Reimbursement of \$71.00, to include Mr. Aguon's application dated April 8, 1998, at 11:02 am.**

**Commission Member D. Herrera seconded the motion  
PASSED unanimously.**

- b. **Doris Carriaga Charfauros (deceased)** – Request to terminate Application. Husband requesting to terminate application.

**ACTION: Motion by Commission E. Garrido to terminate Doris Carriaga Charfauros application number 0000010 dated December 2, 1915; that we grant the termination of the application.**

**Commission Member D. Herrera seconded the motion.  
PASSED unanimously.**

- c. **Rosita Elaine Mesa – Settlement of Default on SBA Loan:** Ms. Mesa is a CLTC Loan Guarantee beneficiary. The Divorce Decree granted this to Ms. Mesa. The United States Small Business Administration (SBA) sent CLTC a demand letter for \$68,738.27. The SBA Loan has defaulted.

**ACTION: Motion by Commission E. Garrido to allow Acting Administrative Director to research with SBA the circumstances involving the foreclosure and to see what can AAD negotiate in regards to a possible or probable settlement between SBA and CLTC and at the same time reach out to Mrs. Mesa informing her what's is going on with her property.**

**Commission Member D. Herrera seconded the motion.  
PASSED unanimously.**

- d. **Rita B. Quitugua – Settlement of Default on SBA Loan:** AAD J Cruz reported that Ms. Quitugua is deceased; CLTC staff attempted to contact her name successor, staff have been unsuccessful at this time.

**ACTION:** Motion by Commission E. Garrido to allow the Acting Administrative Director to investigate with SBA and contact Rita B. Quitugua or her successor to try and come up with a solution towards the foreclosure.

Commission Member D. Herrera seconded the motion.  
**PASSED** unanimously.

- e. **Shawn M. Quintanilla – Settlement of default on SBA Loan:** S.M. Quintanilla is in default on the SBA Loan, in addition the property is being used to operate as a junkyard – unpermitted.

**ACTION:** Motion by Commission E. Garrido to allow Acting Administrative Director to investigate with SBA and contact Shawn M. Quintanilla or his successor to see if

Commission Member D. Herrera seconded the motion.  
**PASSED** unanimously.

- f. **Annatasha Carlette Flores Castro (Granddaughter): - Rebecca M. Flores (deceased):** Requesting to be the grandmother's successor.

**ACTION:** Motion by Commission D. Herrera to revert to the initial application Rebecca M. Flores and designate Annatasha C. Flores the legal successor.

Commission Member E. Garrido seconded the motion.  
**PASSED** unanimously.

- g. **Janet Marie Nanguata – Transfer of application rights.**

**ACTION:** Motion by Commission D. Herrera to revert the application Miklenne Josette Guzman (current applicant) back to Janet Marie Nanguata, original applicant.

Commission Member E. Garrido seconded the motion.  
**PASSED** unanimously.

- h. **Michael Adrian Guzman (Original Applicant)**

**ACTION:** Motion by Commission D. Herrera to revert the application Jasen A.N. Guzman (current applicant) back to Michael Adrian Guzman (original)

Commission Member E. Garrido seconded the motion.  
**PASSED** unanimously.

VIII. Adjournment:

**ACTION:** Motion by Commission D. Herrera to adjourn.

**Commission Member E. Garrido seconded the motion.  
PASSED unanimously. Time: 6:08 PM**

(\*\*MEETING ENDING – NOTHING FOLLOWS\*\*)

Madam Chair A. P. Bordallo: *A. P. Bordallo* Date: *1-22-25*

Concurred by: *J. B. Cruz* Date: *1-22-2025*  
Acting Administrative Director  
Joseph B. Cruz