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Governor

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Lieutenant Governor

Commission Members

Arlene P. Commissioner  
Chairperson

David B. Herrera  
Commissioner

Earl J. Garrido  
Commissioner

(Vacant)  
Commissioner

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Commissioner

John T. Burch  
Acting Administrative Director

Kumision Inangokkon Tano' CHamoru  
(CHamoru Land Trust Commission)

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**REGULAR MEETING MINUTES**

CLTC Conference Room  
Suite 223, ITC Building, Tamuning, Guam  
**Thursday, February 15, 2024**

Public Notice: *The Guam Daily Post* on February 8, 2024 and February 14, 2024

**PRESENT:**

Commission Members

David B. Herrera, Acting Chairperson  
Arlene P. Bordallo, Commissioner  
Earl J. Garrido, Commissioner

Management and Staff

John T. Burch, Acting Administrative Director  
Attorney Norman Miller, OAG  
Glenn Eay, Land Agent III  
Jhoana Casem, Land Agent II  
Jessica Dayday, Land Agent II  
Dexter Tan, PC I

Constituents

Philbert Flores  
Anita Cruz  
Bernice Nelson

Guam International Country Club

Jerry Tang  
Carlos Camacho

Lot 7161-R1, Yigu

Jeff Jones  
Jennifer Camacho

Lot 7054-R9, Yigu

Tricee Limtiaco  
Antonio Gumataotao  
Marianne Woloschuk

Rev. 04/04/2024

## **Call To Order**

**Acting Chairperson D. Herrera** called to order the meeting of the February 15, 2024, regular board meeting at approximately 1:00 pm

**Acting Chairperson D. Herrera:** Again, my name is David Babauta Herrera and today this is the CHamoru Land Trust Commission regular board meeting It is Thursday, February 15, 2024, at 1 pm. The CHamoru Land Trust Commission is held here at 590 S. Marine Corps Drive, ITC Building suite 223, second floor, Tamuning, Guam. Public comments will be made at the CLTC admin at [cltc.admin@cltc.guam.gov](mailto:cltc.admin@cltc.guam.gov). To view the meeting virtually log on GovGuam, YouTube or CLTC Facebook page or Google meet, join video calling. At this moment I like to call this meeting to order and I would like to ask for roll call.

## **Roll Call**

**Acting Chairperson D. Herrera: Commissioner A. Bordallo**

**Commissioner A. Bordallo:** Here

**Acting Chairperson D. Herrera: Commissioner E. Garrido**

**Commissioner E. Garrido:** CHamoru...Here

**Acting Chairperson D. Herrera:** CHamoru...Thank you very much. Attorney Miller, do we have a quorum, sir?

**Attorney N. Miller (OAG):** Yes

**Acting Chairperson D. Herrera:** So...first agenda in our meeting is the certification of public notice requirement which I mentioned of and it was published at the Guam Daily Post on February 8, 2024 and February 13, 2024. One public notice was published on the website and on CLTC Facebook page.

## **Approval of Minutes**

The third order of business is the approval of the minutes for October 19, 2023. So...if you have any comment or corrections reference to the October 19, 2023, please...voice your recommendation or corrections.

**Commissioner E. Garrido:** No corrections

**Acting Chairperson D. Herrera:** Do I hear a motion to approve?

**Commissioner A. Bordallo:** Motion to approve the minutes of October 12, 2023, and October 17, 2023

**Commissioner E. Garrido:** I second the motion, sir.

**Acting Chairperson D. Herrera:** All those in favor, say aye!

**Commissioners:** Aye!

**Acting Chairperson D. Herrera:** Motion carries. Item number four, administrative director's report.

### **Director's Report**

**Acting AD J. Burch:** Thank you, Mr. Chair, you notice that we're short on staff today, many of them are under the weather, and so am I. I caught that over the weekend, I came down with something that I don't want to share with anybody else. I'm wearing a mask so I'm not at the top of my game today, but I'll do my best to especially with the shortage of staff. It's not just affecting the same issue with the Ancestral Lands Commission; something is in the air that is going around. I advise all to mask up here still helps you have a chance. Anyway, one of the biggest things that we've done is because of all the issues that we've had, with all our constituents, we've had with all our reports coming in regarding their qualification and the genealogy requirements, I took upon myself to request a legal opinion from the Attorney General's office. I actually went back to the latest legal opinion from the AG as legal opinion 18-0226, which addresses two major key issues that we've been deliberating here on and off. As the authority of the administrative director to approve leases without commission approval and the authority to transfer or switch an applicant's sequential priority as to the date and time and this is the opinion that we discuss that is deemed since leases as not void but voidable, while other were declared so pass it out to the board that's the request for legal opinion I handed you on I have five specific areas that we've been addressing here and I want to make sure that we have clarity on this from the office but I realized that we've been having issues on this our so one is the awarding of leases to for example applicant "A" who applied on December 2, 1995, at 9:57, we know that we are caught at 8:07 in the morning. Working these applicants...applications we always say contradict the issue of date and time but we've been moving forward basically with those that we have but what about the applicants we're...we're stuck on number six and the second one was the approval of an applicant's request to switch application type from residential to agriculture resulting in the awarding of an agriculture lease however, neither the Act nor the GAR grants applicant the authority to change the application type nor does it authorize the CLTC to approve such changes and the third one is allowing an agriculture lessee to construct their resident on an agriculture lease lot before complying with subsection 6120 of Chapter 6, title 18 GAR. The fourth one was the awarding of the residential and agriculture leases on registered property which directly contradicts subsection 75105 of chapter 75 title 21 GCA. So, we do have an assistant AG from the AG's office here, Attorney Lee Miller, he'll guide us through this but these are the questions for legal opinion that I asked the Attorney General himself. Attorney Miller just received this from me also I sent this out the other day because these are questions, we've been struggling with since I've been here about three months or so and we've been struggling with this and apparently, the board has been struggling with this even longer than that. I guess it's all three of you have been seated there this is a big question so, it's I think it's about time we get this clarified so I would depend on Attorney Miller, ground seat of his pants because he wasn't aware of this to try to guide us through on some of these issues but just a heads up that if we don't have clarity on it at this point and I would recommend in those cases specifically that we table then until we get some feedback okay. But I just know, sorry to dump it on you Attorney Miller at the last minute but this

is something that I feel that we have to clear the air on you've brought it up Commissioner Garrido many time and acting chair you brought up several times of these very specific issues so we've been keeping note and I've been keeping note, it's about time to get a response to that that's my major thing, I mean we have other administrative work here too we've been training for the MIS system that replaced the S400. The S400 is obsolete so our staff two of them we only have two admin staff Dexter and Joey Cruz. Joey's out today, is at the doctor. Say last I heard from him I hope they're the staff are okay that they don't have anything major is probably just the flu and so Dexter's been around here to help out but they've been attending these training. We've been using this conference room for those training right we're right next door to Department of Administration so we've been assisting them with that and then of course we have our staff, Glenn is not here he's our supervisor but we do have a couple of land agents here that we can go through the constituent matters if necessary otherwise I have a brief on each one of them I'll provide you and to make things move forward and then of course, I would like to excuse Jhoana at about 5:30 she has a death in the family, she has I mean at 4:30 so after that we won't have anybody up at the council to handle that hopefully don't last too long because I'm under the weather too I'll try to stick it out as long as I can so if you have any questions that's my director's report and we could just right into the meeting. I do notice that we do have some constituents here so I'll leave it up to the board if you want to bring them forward on the agenda or we just move forward with the way the agenda as listed.

**Commissioner E. Garrido:** Well before I give my two cents, are you up to speed where you could be giving us advice on these items that we just mentioned or would you need more time.

**Attorney N. Miller (OAG):** Mr. Chairman, members the office would need more time we have a...there is a process it's the formal opinions of the Attorney General are the product of a number of attorneys contributing to a document it's not me all by myself as the director said the request for the opinion went up yesterday and so I would expect in the near term we'll have something back to you formally in writing but it's really not something we can speak to today.

**Commissioner E. Garrido:** Okay, so with that being said I propose that we sideline this until meeting in the future, okay? That would be for legal opinion requests to sideline these issues so that we can give legal a chance to catch up and be more well-versed on these issues so that you can give us a good legal interpretation and...

**Acting Chairperson D. Herrera:** The void and voidable like we kind of discussed this from the passed meeting that we had approximately two hundred right out of two hundred is like ninety-seven, slash twenty some that have been litigated or are still being reviewed. So, perhaps we can give Attorney Miller that update from the past minutes just to get him up to speed and then like you said we move on, I mean table because this is a lengthy process right. There's two hundred that are still under the void and voidable.

**Acting AD J. Burch:** Yes.

**Acting Chairperson D. Herrera:** approximately two hundred.

**Acting AD J. Burch:** Yeah.

**Acting Chairperson D. Herrera:** So, do we need to make a motion here to move forward on this one or do we just...

**Acting AD J. Burch:** I'm just advising you; you don't need to make a motion on the request for legal opinion that's already gone through. It's basically that when we come to the issues that involve this like for example the SBA loan Guarantee requests that very much is affected by this and some of our constituents concerns that are coming up later on may be involved and we depend on Attorney Miller to give us advice on which ones they may be but I have a feeling that about there's five here listed on the SBA loan guarantee request that will that is definitely affected by any response from the AG's office. That's for us to tighten the history so he can be up to speed. Okay, so, any comment madam Bordallo?

**Commissioner A. Bordallo:** [inaudible]

**Commissioner E. Garrido:** I don't have any actual comments right now because I would like to get legal to give a good opinion on the legality of what each and every case may need so, like I said he can catch up and be up to speed with these cases. I think it'd be unfair to put him in the spot like that and make a decision that he's not versed in.

**Acting Chairperson D. Herrera:** Okay, I understand

**Commissioner E. Garrido:** I move that we side track this until our next meeting whether it be through recess or the regular monthly meeting.

**Acting Chairperson D. Herrera:** Okay do I hear a second?

**Commissioner E. Garrido:** Second?

**Commissioner A. Bordallo:** Oh yeah, second.

**Acting AD J. Burch:** So, which are you planning to the request or the constituents here that are listed?

**Acting Chairperson D. Herrera:** You're right, right director everything that's listed on this two hundred and the nineteen that are here are all into twenty, yes? So, as we go on each constituent here it would be reflecting the void. All are intertwin.

**Acting AD J. Burch:** Yes

**Acting Chairperson D. Herrera:** It's a good time for our attorney to hear the findings from each land agent report that would kind of give you an overview on each constituent would that be clear. Right, it's...

**Acting AD J. Burch:** It's your call.

**Acting Chairperson D. Herrera:** Right, okay. so, we move on to the agenda and then we as we start going through each constituent themselves and from our land agent report so that would kind of mesh then...

**Attorney N. Miller (OAG):** We just we, just won't take any final action on those matters.

**Acting Chairperson D. Herrera:** Most of the actions are for loan guarantees for example for the Small Business Association with a list of findings that's the challenge we have okay if there are no objections we move on to the old business.

### **Old Business**

**Acting Chairperson D. Herrera:** Number five that's bill number 179-37 Guam International Country Club needs board resolution. So just briefly if you can share what your findings is or because I know we have a resolution...

**Acting AD J. Burch:** Yes, and I included in the resolution and Attorney Miller gone over and we added in the section dealing with following the local building codes, federal codes, also EPA codes that would be on that would be no well it's under section two, item H. Very last one where it says the lessee shall be required to comply with applicable building codes environmental regulation Federal rules and regulations related to building construction environmental protection included, including but not limited to the international building code that's IBC Americans with Disabilities Act, A Clean Water Act, GWA Clean air Act CAA National Environmental Policy Act as the NPA and the Resource Conservation Recovery Act NRCA, and NFBA, which is standard 855 as may be amended and from time to time for any installation of battery storage systems and that's because we are unaware of and in fact we're not aware if local EPA or even building codes include any regulations or rules concerning the storage and disposal of batteries most especially the batteries that are on type related and I know last time I did get out all my reports but I could get that to you later that one of the biggest issue I found out with solar panels is that they have an expected lifespan of 25 to 30 years and this lease that we're planning to approve here is for thirty years although the panels themselves are there are new technology coming up every day there's new ones developing today that they might not be that expensive to replace but there are issues with the environmental impact of those solar panels as they deteriorate and their disposal so, legal did go over the resolution that should just handed out to you, last time you said everything was good except for adding in the last section there and as compared to look out for is of course there's very little of no pesticides that are sprayed on the ground. The big issues were the disposal panels and the life term of that what we're unaware of is the regular regulations for the storage and disposal of the batteries, because lithium-ion is comprised of various chemicals, and should they ever decide to mix on their own they create heat and sometimes they will get hot and turn into a hot, hot fire so for one of the requests that I know Mr. Chair that you ask that they store the batteries on the basement side of the International Country Club up there and we sit at the top, I would not want to sit in that office one those batteries go I would disagree with that 100% it's either use the building exclusive for CLTC's use and not to include any batteries anywhere near that building.

**Acting Chairperson D. Herrera:** Okay.

**Attorney N. Miller (OAG):** Mr. Chairman, if I might add this, this is a topic I can speak to at great length and great depth. I come from Arizona, I used to represent a political subdivision that was probably the most active location in the country for installation of what are called BEST systems battery electrical solar storage systems, and solar panels. The solar panels are wonderful you know they do wear old but they're no different than your TV wearing out or your refrigerator wearing out. They do have to be properly disposed of they do have to be properly maintained all that kind of good stuff, but rapidly the over the last couple of years, the solar industry has come around to the conclusion that it is if you're going to install panels you also

need to install batteries. The engineering challenge with panels is you get maximum output from the panels generally speaking in the middle of the afternoon which is generally speaking when the electrical load on the whole grid is at it's lowest because we're all not home at the highest utilization of the grid is typically right about seven or eight in the evening when we all go home we all flip on the aircon, turn on the TV, get the stove going and the sun isn't shining and so to fill that astrological void, we now as a regular process install batteries along with panels. The challenge with the battery is that the battery box it's about typically it's about as big as a refrigerator and its simply full of chemicals. What solar panels are doing is they're creating electrons. The electrons go in one side of the panel, inside one side of the box. The box fills up with electrons and then at night when we're not pushing any electrons in the electrons flow back out and that's how we get electricity at night. But it's a refrigerator full of chemicals under certain circumstances those boxes they don't actually catch fire but they do undergo something called thermal runaway where a chemical reaction is created inside the box that creates a substantial amount of heat and it gets to the point where you can't stop it there's no switch, I can throw there's no button I can push there's nothing I can do to stop the heat that's being generated by those chemicals. One of the fire agencies I used to work for we had incidents where batteries triggered that thermal runaway and they came around the perspective that really the only thing they could do to keep the area safe was parked the fire truck about a hundred feet away from the battery and just squirt water on it until the chemicals were all they don't even settle down they just burn off, we had in the very beginning of the evolution of battery storage systems the original thought was well yes we should store them, we should have them indoors. Keep them out keep them out of the weather. We'll be able to air condition the space that'll all be great that's wonderful except still from an engineering point of view. The fact that they're indoors and there and there's an aircon system going doesn't mean that I prevented the thermal runaway risk and there have been incidents where firefighters who were responding in to incidents where battery systems were indoors, suffered significant injuries because they didn't really know what they were getting into they didn't understand what was going on with this box that was spewing smoke, the good news is the industry and the government that the folks who put together codes and things like that have spent a tremendous amount of time over the past couple years working together to develop codes, plans, expectations. What to do and what to do safely when you have these big boxes full of chemicals, they're great systems they work very well they do exactly what they're supposed to do ninety-nine-point ninety-nine percent of the time. They in fact are safe, my only concern was if this is going to be the first time, we bring large utility scale BEST systems on Guam then there needs to be a lot of conversation a lot of discussion with the fire department and the folks that who approve the electrical permits and the rest of the engineering. Are we putting these things in a safe and responsible manner for the benefit of the grid to the benefit of the people who might be working next to them and frankly the people who might be living downwind yeah of those systems.

**Acting Chairperson D. Herrera:** Yeah, this location that we have down, confined space almost like very limited, I agree.

**Attorney N. Miller (OAG):** I have worked on opportunities, battery storage systems where for better for worse, we were building the system one hundred and fifty feet away from where people were living and the engineers all told us it was safe so far so good but there is a lot of discussion and a lot of engineering review that needs to go in when you're shifting from simply installing panels and batteries.

**Acting Chairperson D. Herrera:** Thanks for that, that's a good inquiry. Okay, director so, your recommendation is that not to use the confined space on the third floor for battery storage, I'm pretty sure...

**Acting AD J. Burch:** Anywhere we have an office. So, you said the resolution was good last time to add in that section regarding that their codes, the environmental and building codes and that's been added in legal gone over so now it's up to you to approve or not approve via motion the resolution number 2024-001

**Acting Chairperson D. Herrera:** Since our attorney was mentioning about heat and cooling system and the firetruck, so should we include the GFD in this section or would that be covered by the I believe regulatory agency.

**Acting AD J. Burch:** These items we listed under H are items that are included when you apply for the permit it's a permitting process.

**Acting Chairperson D. Herrera:** Okay.

**Acting AD J. Burch:** But you wanted to in the resolution but in reality, they're going to go through this if they go through public works all the fire department everybody else is involved in the permitting process.

**Acting Chairperson D. Herrera:** Are there any comments from our commissioners?

**Commissioner E. Garrido:** This well I feel it would be premature for us to limit this resolution, I think we've, this item H covers almost everything

**Acting AD J. Burch:** Yes.

**Commissioner E. Garrido:** The normal permitting does include all the authorizing agencies on it. Now in as far as specifications like you were referring to the bid will come out from the Guam Power Authority; they would be regulating agency for that. All we'll be providing the land for the project that the authorizing authority for the entire project is going to be Guam Power Authority. It's not easy to get permit all those regulating authorities' agencies they take their sweet time and they go through it but how worse they are with battery storage I know that GPA has problems with batteries here in Guam because we have dry cell batteries in our substations and we tried all types of batteries in our substation to run our electronics in the substation our supervisory control and data acquisition and batteries don't have a long life. If it was stated that it is good for twenty years, you're lucky to pull ten out of it so we'll leave that as far as I'm concerned, I'll leave that to GPA to reconcile with the project because they're overseeing the project.

**Acting Chairperson D. Herrera:** Madam Commissioner.

**Commissioner A. Bordallo:** Well, I'm happy to know H was included by our director that you know my concerns are the environment and the safety

**Acting Chairperson D. Herrera:** And it's a good thing that commissioner that last couple of meetings about I believe it's a good point that we brought this on because the representatives for the Guam International Country Club are here, now they heard about the confined space on the



third floor for the first floor then perhaps they may have some, because we want to do a sharing on the facility and looks like what we're seeing now is that option to use the confined space for battery. Would be kind of so I invite the engineers or the representative of the Country Club to come on board and sign in and

**Carlos Camacho:** Wait, I wanted to, sorry.

**Acting Chairperson D. Herrera:** They are from the Guam International Country Club.

**Carlos Camacho:** Good afternoon, Mr. Chair, Mr. Burch, Mr. Miller. My name is Carlos Camacho and I would like to find out if we could just give us if we could just recess this part for five minutes, we can use the resolution so we could also as you guys were putting your amendments in there and ideas, we would like to you...got it?

**Acting AD J. Burch:** I got it.

**Carlos Camacho:** Wow! That's fast. There are only a few things from the last meeting, I was missing Madam Bordallo's letter.

**Acting Chairperson D. Herrera:** Right, it was supposed to be a reference to a [inaudible]

**Jerry Tang:** Reference to a...Commissioners, I'm Jerry Tang, corporate secretary for the Guam International Country Club and I know we just started so, I don't want to ask for recess, you guys have so many things going on...can we just...after the Guam Power those give me a chance to go over this resolution with the general manager for GICC. Or we can just be bumped back, I know this is probably the first time you ever heard this request we like to be bump back a little.

**Carlos Camacho:** That way we don't hold back here...

**Acting Chairperson D. Herrera:** Yeah, we want to try and make this brief because we have our constituents.

**Jerry Tang:** Right, right, right...

**Acting Chairperson D. Herrera:** Okay, so any...we're going to bump them back one or two...

**Carlos Camacho:** That's so we can

**Acting Chairperson D. Herrera:** So, okay any...

**Commissioner:** That's fine with me.

**Jerry Tang:** We'll be right back; we'll be just right outside.

**Acting Chairperson D. Herrera:** Just a notation bill 179-37 the Guam International Country Club will be bump back, so the next item on the agenda will be the item five B, old business the resolution number 2024-002 in reference to the bill number 212-37 transfer...transfer a portion of Lot Number 5173NEW-3. I believe that's the Tamuning...

**Acting AD J. Burch:** Yes, that's a seven hundred and seven square meter lot over here besides the Tamuning Elementary. Well first off Senator Taitague wanted because we had two resolutions in the past, one in 2017 and 2018 affirming that we the board agreed to transfer this property to the municipality of the Tamuning Mayor. You also agree this board because, new board of new members, she wanted to have a reaffirmation and we said yes and you asked me to draft the resolution simply reaffirming your support of the previous two resolution that were sent and the issue with the last two is that while the CHamoru Land Trust Commission board approved them twice for some odd reason when the law was passed, they forgot about the seven hundred square meters...

**Acting Chairperson D. Herrera:** That fractional lot.

**Acting AD J. Burch:** That fractional lot and in reality, should have never been transferred to the CHamoru Land Trust Commission, it should have been GDOE, but for whatever reason it became CLTC and the lot was too small there's a building on it very small building, half of it belongs to the municipality of the Tamuning, the other half is CHamoru Land Trust. It's not as far as I know it's not currently being used but that's pretty much a...reaffirming resolution just pretty much says that you transfer to them then they're no longer landlocked they don't have to go through the Tamuning Elementary School grounds to get to the baseball field in the back. The basketball court and such it as part of the municipality of Tamuning. So, this is a very simple one that you asked me to draft, just reaffirming that and as soon as that's done, we'll send it to the speaker. I believe this is probably on the agenda for the next session that's coming up I...so, if we approve it, we'll get it signed and send it on its way.

**Commissioner E. Garrido:** I move that...I move that we approve the resolution 2024-002 which the reformation support for the land transfer to the office of the mayor.

**Acting Chairperson D. Herrera:** Do I hear a second?

**Commissioner A. Bordallo:** I second.

**Acting Chairperson D. Herrera:** Is there any opposition? If no opposition, the motion is passed. Okay, director, thank you.

**Acting AD J. Burch:** Thank you, commissioners.

**Acting Chairperson D. Herrera:** Okay, number five, old business, Delta. Guam Power Authority request for memorandum of understanding for lot number 7054-R9, Yigu.

**Acting AD J. Burch:** Okay, this is where I got to call Dexter. Were you brief this by Joey Cruz? Oh, we skipped over, Mr. Chair, "C", which is lot 7161, Yigu. The raceway.

**Acting Chairperson D. Herrera:** Oh...I apologize, thank you.

**Acting AD J. Burch:** Right, right.

**c. Lot 7161-R1 Yigo –Discussion Regarding the Request for Proposal (RFP) / Sponsorship / Guam Racing Federation proposed License Agreement**

**Acting Chairperson D. Herrera:** I apologize. Thank you, Dexter. Okay, number five, old business, "C" Charley, lot number 7161-R1, Yigo. Discussion regarding the request for proposal RFP sponsorship, Guam Racing Federation propose license agreement. Okay and Mr. Burch...Mr. Director.

**Acting AD J. Burch:** Okay, this one here of course the racing federation here and other racing enthusiasts, I know Attorney Miller is outside. I'll give a brief on what he sent me and he came up with a draft. Is this? Okay, the real property license agreement, and in short, he gave me a pretty hefty discussion on this with added words that we have to talk a lot more about this but part of his key points that I pulled out of the information he provided me was that he provided us with the draft licensing agreement for your review. It emphasizes the legal requirement to bid out any lease of trust land through a request for a proposal RFP he suggested that the board should adopt policies for licensing land use including considerations such as dividing space for different racing events and determining pricing based on duration such as the daily rate and weekly rate. Also, raised questions about the rules for using the space including cleanliness expectations on turnover and expiration of the license as well as regulations regarding alcohol and vending and for form was safety and insurance he highlighted that as very important issues, he discussed the potential liability risk for the trust and the event of accidents or injuries during license events so he emphasized the need for the trust enforced safety standards to mitigate risk and avoid personal liability for individual trustees. He also raises and I guess we'll have to call him in he's out there talking with the GICC reps. The question of whether the trust wants to limit land use to short-term licensing agreements or pursue a one-year lease to an RFP where a promoter would pay monthly rent and be reasonable for generating revenue for the lease area and that's where he handed out for year review of course you're going to have to take time to go over this and I got a call to go over it in detail with you. I spent about four hours of him last week. I believe it was Friday or Thursday...going through all of this and he did look at the license from the racing federation he looked at the sponsorship documents that I drafted and he looked at the RFP. Okay, and this is what he came up with but in a nutshell all the discussions the four hours of discussions, and also pages of his recommendations. I broke it down into five specific items that I just told you.

**Acting Chairperson D. Herrera:** So that would be the fourteen pages?

**Acting AD J. Burch:** Yes, of this agreement. This is what it came up with is a template all we have to do is fill in the blocks and the blanks in here whenever we decide to give a license short-term, long-term or as he said it could either be by day or week or whatever. So, he says we could do a license which is will be shorter but he recommends that we go for a year or two that we have an RFP out in it but it's specific questions we should ask him. This is pretty much what he says drafting these types of documents is what he is basically what he does, so, I can have Dexter call him in...

**Acting Chairperson D. Herrera:** So, we'll have...

**Unknown Speaker:** Are we able to also join in on the conversation so we can answer questions?

**Acting AD J. Burch:** Okay, but we better wait for Mr....

**Unknown Speaker:** Yes.

[crosstalk]

**Acting Chairperson D. Herrera:** Okay, attorney in a nutshell.

**Attorney N. Miller (OAG):** Mr. Chairman, members, I think the most important issue the board needs to consider is that Guam Law is clear that leases of any land have to be bid out pursuant to an RFP. Leases more than five years have to be approved by the legislature. So, the work around that has been proposed to allow racing to get going here in the short-term is this document that in front that is in front of you which is labeled a licensing agreement. I won't give you the thousand-word lawyer dissertation on the difference between a lease and a license other than to say generally speaking a license gives somebody the right to use your land for probably not less than thirty days. I'm sorry not more than thirty days license. License if you're giving somebody the right to use your land for more than thirty days then no matter what words we choose you have effectively given them a lease.

**Acting Chairperson D. Herrera:** Okay.

**Attorney N. Miller (OAG):** Okay, so yeah, again under Guam Law, if it's a lease there's the RFP process, and depending on the length of the lease you know there are different ways we can go.

**Acting Chairperson D. Herrera:** So, to get around it we're going to go on the license.

**Attorney N. Miller (OAG):** Yes. Not the lease.

**Acting Chairperson D. Herrera:** Not the lease, we're not going to the lease under license.

**Attorney N. Miller (OAG):** Here's the simplest way to understand what a license is if you buy a ticket to a ball game at Dodger Stadium or San Francisco Giants or someplace like that, you look at the back of the ticket in small print but the board may put it there, it says this ticket is a license that allows you to sit in the seat that's specified on the other side for the length of the game specified on the other side and so you get to sit in that seat and no other seat for the however long that game goes on but as soon as that game is over you're out of luck. You got to move up and so that's a license as opposed to if I'm a sweep holder and I'm upstairs with Taylor Swift, I'm renting that space for the whole season and I just keep every time they open the gates, I get to come in there and I'll get to go upstairs to my spot and so really that's the difference between a license and a lease. I'm not it's not to say that the commission couldn't pursue a lease for racing at this location and if that's the commission we'll have to pursue that legally through an RFP process if we want to get some kind of racing going sooner rather than later. My recommendation is to pursue the license again. What the license contemplates is somebody coming in here and saying I want to use that space for a weekend or five days or it's you know it's going to need it for two weeks because I got a set up and then we're going to have the raise and take it all down but some number of days that's less than thirty and it's you don't the...the...the whoever rents your space they don't get to stay then when if they rent for five

days on the fifth day they get all their stuff needs to be gone. Again, because if it we're going to let you, we're going to let some third party use the trust's land for more than thirty days that's a lease, we got to have an RFP the other thing I'm concerned about it doesn't matter whether it's a lease or license, frankly, risk management on behalf of the trust and risk management on behalf of you all as individual board members. I've never been on this land, I've never seen what kind of events take place there you know the director has told me for example in the past the land has been used for drag racing, drag racing no matter what where it goes on is inherently dangerous and as the owners of the land whether you lease it to somebody or you license it to somebody, if you know that what they're going to do with your land is dangerous you've got an obligation to mitigate that danger as much as you can. Realistically be accomplished there's nothing we do that comes with zero risk but because I'm not worried about people who are going to race, people who race don't believe anything bad is ever going to happen and that they're immortal I'm worried about the family of that racer who when something bad happens they're coming over here because you're the government you've got the big checkbook and they're going I'm worried that they're going to come over here and they're going to say hey, you knew that what your tenant was doing what your licensee was doing was risky and you had no business doing that so we the short-term as I've indicated we have suggested use of this license agreement in a way that mitigates risk the trust risk all as much as possible but I do if it is your preference that land be used for racing or whatever is used for if that use is inherently dangerous then as in as an organization we've got to have some policies and procedures in place to make sure that folks aren't just you know if you drag race down the Marine Drive you're breaking the law and if there's a big fiery crash the government isn't at risk but if I invite you on my racetrack and say sure please race on my racetrack I've got some amount of risk and there ought to be some policies and procedures in place to address that risk.

**Acting Chairperson D. Herrera:** Thank you, attorney, good, thank you sir. Director? If you're ready, then...

**Acting AD J. Burch:** What Attorney Miller says is what I've got in my notes are really summarized. He does a better job of explaining.

**Commissioner E. Garrido:** The only short I see to your comments is the time constraint of thirty days or less. What I understood from the raceway people in the past meetings it's going to take them at least a month and a half to two months just to clean up the property and a thirty-day window unless we can roll it over or break it up into two pieces. One for maintenance and then for the actual event.

**Jennifer Camacho:** I also, think too, one there were a lot of positive comments and that hearing that a license agreement is possible it really is an upright light. In regards to the liability and especially on our commissioners here. Do know that the racing federation has always obtained insurance very expensive insurance and in the last twenty-five years never has the Commissioners have been at risk with anything because it really falls on the federation but it also falls under the insurance of the sub-federation that rents the space for an event say a bike race, so not just the Drag Racing Association but all these member associations and federations who rent or book the place for an event with the Guam Racing Federation. Both those you're talking about insurance being covering any liabilities that may come up.

**Acting Chairperson D. Herrera:** But if I may ask the fatality, right...

**Jennifer Camacho:** One.

**Acting Chairperson D. Herrera:** One. I know that was upon the licensing that trust because you know we were on here like eighteen months or so.

**Jennifer Camacho:** You, I wasn't on the board at the time, but if I could remember I believe it fell on the previous GRF, correct and all resolved before it got to...

**Acting Chairperson D. Herrera:** There was a fatality up there.

**Jennifer Camacho:** Right, there was one several years ago but again it didn't fall on CLTC, we put everything in place prior to all the events, all riders, racers signed waivers liability and also you know we are taking expensive insurance to ensure that our events are fully covered and we don't ever put our government in risk.

**Commissioner E. Garrido:** The indemnification clause for CLTC and the board which I believe is in the license agreement that we had proposed a...

**Attorney N. Miller (OAG):** Well, an insurance policy is as good as the financial strength of the insurer and an indemnification policy is as solid as the bank account of the person who's giving you the indemnification policy. To your question, our observation previously about the time issue a separate issue which the director and I were emailing about yesterday is he asked me for some comments on an RFP for a lease and that RFP would have allowed anybody to propose any use for the property which is fine if that's what you want to do that's fine but these folks could have proposed using it for racing. I could have proposed using it to grow tomatoes and the director could have proposed using it to build a resort hotel and somehow, we would have had to try to sort like compare all those things. Now, you all have legal and fiduciary duty to generate the best return you can for the trust if it's your view that using this particular property for racing of various forms and fashions is the right thing for the trust and for this property then what we ought to do is as I suggested earlier, we can get moving quickly under the license agreement we can do an RFP that essentially says look we're the board has designated this land for automotive you know racing related recreation so give us the RFP for the five year lease ten year lease whatever you'd like it to be, that really is just limited to racing and you know we can certainly do that and I think we can get that RFP out in the near term and if you get going sooner rather than later it nonetheless is going to take you know more than thirty days but you know several weeks as opposed to several months to prepare the site again if it's the board's preference to allow for the you know site preparation over weeks, we can work that into the licensing agreement with the you know knowing that that's sort of an overtime event and then going forward we'll be using the licensing agreement for you know days or weeks at a time while we're you know working on the RFP for perhaps a five year lease.

**Acting Chairperson D. Herrera:** Thank you, I like to see if Commissioner Bordallo has anything to say.

**Commissioner A. Bordallo:** You know, we made a decision about that...doing an RFP at the last meeting and I'm concerned about the liability as a director of CHamoru Land Trust. There's a risk.

**Acting Chairperson D. Herrera:** And like the attorney was mentioning that we may choose to do motocross and may choose to plant tomatoes and you may choose to do other things and you're right primary mission of the CHamoru Land Trust is for agricultural and residential so this is like a sideline activity that we're trying to accommodate the island of some use some of that track the drip and the not so we are trying to abate our approach here and it's a good thing that you mentioned about tomatoes because we could plant tomatoes right there in the corner and do other things but that being said, I don't want to be late if you have any other suggestions I really highly recommend that we get your group or your attorney to meet with our attorney and will iron out the final because we have constituents here from residential and agriculture but we like to give you the floor to say because I give your request is to get the two year license and it's good that Attorney Miller here to tell us that to share with us that anything of thirty days from the license to the lease, we're going to be at...

**Attorney N. Miller (OAG)** Some at some number of weeks it's no matter what we call it a lease and the law require the RFP.

**Acting Chairperson D. Herrera:** And I thank you for sharing that with us because we had that issue before for the last maybe twenty-five years that we've had this racing federation since back in 1998 right, so, 1998 to today, that's like about twenty-five years so we can have almost thirty years and the objective for that particular one million square meter property two hundred fifty acres was to have a drift drive motocross and a Grand Prix. A Grand Prix and the target were to cut the property down from two hundred and fifty to two or five fifty elevations to five hundred and twenty. So have about maybe forty, fifty feet to slice to get the right me

**Jennifer Camacho:** It's been twenty-five years of really developing it into a racing facility and not just for motorized sports but for non-motorized sports, runners, mountain bikers just tons of sports that I've expressed in previous meetings but all we would ask is if we do go the RFP route if this license agreement is you know not amendable to the board or it needs to go back for some revisions all we would ask is if we go the RFP route, we make it very specific just as Mr. Miller said we make it specific to raceway management to a group that knows how to manage the raceway because it is a very you know it does require technical knowledge expertise and experience and if you don't include raceway specific then, of course, you're just going to have BS come out and do the one thing that CLTC does not want to happen to our land.

**Acting Chairperson D. Herrera:** It's good that we have Attorney Miller and Acting AD Burch. Just to save and productivity for the day thank you.

**Commissioner E. Garrido:** Attorney Miller.

**Attorney N. Miller (OAG):** Yes, sir.

**Commissioner E. Garrido:** If we make it an open RFP, does it minimize our exposure to the risk?

**Attorney N. Miller (OAG):** Tell me what you mean sir by open RFP?

**Commissioner E. Garrido:** Not make it race-specific where any or all can come in and put in an interest or a bid for the RFP. Meaning you can come in and grow tomatoes, you can come in and put a bid in so that he can build his luxury hotel and the raceway can come in and say outbid

the raceway management versus we make it a specific RFP for the raceway because that's what I sort of got from what you said earlier that if I have a raceway, I'll give you guys a license to use it that increases our risk.

**Attorney N. Miller (OAG):** We can't, we can't make the RFP so specific that, that realistically the only people who are going to give us a proposal is the raceway but we can certainly I think it's fair and equitable to say here's our land and we're not changing the condition of the land, we invite and we invite the public to give us the proposal but understand that you don't get to change the land and then we'll see who comes in the door from a risk management point of view, my recommendation to the board and a topic we're going to have to meet and discuss with these folks in more detail. It's less about how much insurance you have and more about what are going to be the rules of racing. I'm just making up an example here one could envision that it somebody might think it's a good idea to just invite anybody off the street we're going to have open drag racing come on down six o'clock, give me fifty bucks sign up sign this release form where you swear you're not going to sue anybody for anything and just whatever car you got just will let to run down the track and you can see how fast that is about the highest risk event you could ever have...

**Jennifer Camacho:** Which doesn't happen by the way the drag association has its rules.

**Attorney N. Miller (OAG):** So, we need to understand from these folks what rules and regulations they already have in place. Do you all think those rules and regulations are the appropriate rules and regulations so, that we put into the license agreement we put in the lease agreement that whether it's these folks who are responsible for the race or their sublessees are responsible for the race whatever race is happening. It's following the appropriate rules and if there is a significant injury or a death but we did everybody did follow the rules that we all thought were fair and reasonable and are the kind of rules that are used around the world for whatever kind of racing then unfortunately we all have to be sad that there was significant injury but the risk that you all are going to get sued becomes very small.

**Commissioner E. Garrido:** So, we'll leave it to you to speak with the...

**Attorney N. Miller (OAG):** Mr. Chair and members...

**Commissioner E. Garrido:** To see if we have a middle ground where we can...

**Attorney N. Miller (OAG):** I think ultimately these folks are going to have to convince you all that the rules they're willing to put in place for the various kinds of racing are good enough.

**Commissioner E. Garrido:** But before they do that, they have to go through you?

**Attorney N. Miller (OAG):** Yes sir.

**Acting Chairperson D. Herrera:** Alright, thank you. So, last...

**Jeff Jones:** We've had forty years of racing in one casualty and I think safety is very, very high priority for the race federation and as Jennifer mentioned is there's a lot of rules and regulations that have to be followed as well as safety inspections of the vehicles technical inspections have to be done so pretty sure we can meet your requirements on the safety side and we have the



insurance from a highly ranked insurance company that's been doing business on Guam for many years and it protects you know everybody involved as well as the Commissioners.

**Attorney N. Miller (OAG):** Great, we just need to get that written into the documentation.

**Jeff Jones:** My only concern is that there are several examples of license agreements that are longer than thirty days that already exist in the CHamoru Land Trust, just curious and things other than race other than agriculture or residential. So, that's one of my concerns is I don't know if that's a new regulation or it's just enforcing an old regulation but there's you know other examples of those type of things.

**Attorney N. Miller (OAG):** Mr. Chairman, members if I can respond to that as we started out today's meeting there are continuing questions about what the what the parameters are for the operation of the trust and how you all as board members and trustees what you what you can do what you can't do for how long people can do various things the difference between a lease and a license and it is clearly one of those topics but it what it is clear is that Guam law says if the government is going to give somebody a lease then that has to be done pursuant to an RFP again I don't think there's any there's nowhere where it's written down that says licenses are thirty days or less and leases are automatically thirty-one days or more there is some leeway for interpretation here I think we do have the opportunity to work with these folks on the site preparation issue but in the judicial system they don't really care what you label an agreement if somebody sues us and says that's a lease and you didn't and you didn't hand it out pursuing to an RFP we can call it whatever we want to but if the judge says no that's a lease and you really should have or the legislature calls us up and says that's a lease statute...

**Acting Chairperson D. Herrera:** Statute overrules.

**Jeff Jones:** I think there's a law in the books that authorizes RFP for this property specific to racing.

**Acting AD J. Burch:** Yes, there is and that's what obligates us to the entire two hundred and fifty acres that's up there if we were to change that and that's where we probably have to go about sit together and go over the various sections of law but you're correct there is one that allows us specifically to use it for that if we go outside of that and I'm assuming that's why the RFP was written up the way it was because if we were to go outside of that requirement if we were to partial the property into sections then that would break away from them the current law requires us to use the entire portion of that lot for this for racing but it's up to the board to decide whether or not to continue with that so yeah we, that would come out and a sit down because there are of course some flexibility here but I know what Attorney Miller is saying is that in general you know of course, I threw all this on his lap he just got on the island and he's gone through quite a bit with us not just for here but also through the Ancestral Lands board with many other big issues there too so, hopefully we can get this thing moving forward if that would be the case it seems like we can bring down the liability of the commission you know I mean that's what the **Commissioner A. Bordallo** has is our liability in this area and of course I believe all the Commissioners have that issue we can work something out there then I guess we just have to sit down on a work session between us get it done.

**Jeff Jones:** We're ready to do that anytime, let us know. Happy to do that.

**Acting Chairperson D. Herrera:** So, you guys can make contact and thank you so much. We are looking forward. Okay, item number five, old business.

**Acting AD J. Burch:** Are we going back to GICC?

**Acting Chairperson D. Herrera:** Yes, if they are there.

**Acting AD J. Burch:** GPA is ready to come in,

**Acting Chairperson D. Herrera:** If you want to wrap them up so they can...

**Acting AD J. Burch:** Okay so you want GICC.

**Acting Chairperson D. Herrera:** They reviewed the proposed resolution so. Okay, gentlemen, just for the record.

#### **a. Bill 179-37, Guam International Country Club Lease/Board Resolution**

**Carlos Camacho:** Mr. Chair, Mr. Burch, my name is Carlos.

**Jerry Tang:** I'm Jerry Tang, the shortest for us so that we can review it and U I want to start off with saying that I want to thank the Commissioners and uh director and of course attorney general Council Attorney Miller um we've been at this process for a while and I think that uh for CHamoru Land Trust are very hard negotiators but very fair and what's that uh and we share that same goal always trying to find what we could do what's best for the constituents and I also like to point out that rightfully so I think the legislature the elected body you know our governor they do they give a lot of Difference to the resolutions that come from the CHamoru Land Trust interest so uh it was it's because of those just because of those reality that I like to kind of talk about the resolution because that there are certain things in a resolution that I'm afraid that I'm not sure they're possible or they're just a little vague and there's also improvements that we like to propose that one I like I spoke to Yohei outside and I'm very happy to state that you know before we talked about sharing the building the clubhouse what's that and then of course Attorney Miller talked about the well it's not really a good idea to have office on top of the lithium batteries so we're what's that the GICC is fine with giving the entire building of the clubhouse to dedicated use for CHamoru Land Trust, what's that, so, there's no sharing that would mean that GICC will have a different storage, different building plan for the storage for the battery storage and then so, we're very happy about that and I think that addresses some of that concern and then what's the other concern that we have again is because when a resolution comes from this body, what's that what we're concerned about is it has so much weight with the legislature because we ultimately would have to have the lease we have to know the bill we have to say hey you know we going to make these changes to the lease agreement and then what's that so we want to make sure that it's possible that some of these resolution items are possible and one of them that I was concerned about was the surety requirements it's this an insurance policy that we would have to try to obtain that would guarantee the removal of the solar components and of the lease agreement we're not as I as we sit over here right now we're not one hundred percent sure that policy can be purchased on Guam it's such a new like as Attorney Miller mentioned this is it's you know solar farm has been around for a while but in terms of what's that on Guam it's a

pretty fairly new business and it's also fairly new with respect to batteries. So, like what's that and if it's put in there as it's written what we're worried about is the legislators would to say you know it's a deal or no deal type of situation so and then finally what's that there's also I think the provision about compliance with all the EPA those type of regulations what's that I don't think that go far them but I think that one of the concerns that we're you know we, we, we went over is again you know a lot of these EPA rules and stuff like that for this industry they may not have they may not have their exact protections that we're actually talking about so what's that so and in our discussions with some of our elected leaders was that one thing that everybody was very focused about was these chemicals called PFAS what's that and also we want to make sure that they don't end up in not only are they removed but they don't end up in our land so I you know I feel like one of the things that to improve this resolution and one thing that you know we just we just put it in there on that hey you know and in when we amend the lease what's that it should be part of the amended lease, right that if...

**Carlos Camacho:** Do you have the, Jerry Tang don't put notes on you have the recommended amendment.

**Jerry Tang:** Yes, I want to explain the motivation for those changes and they're minor changes and our inspiration for those is trying to make sure that we have a resolution coming from this body that gives us the flexibility to you know when have public hearing could flesh out the some of the remaining issues so for example on the surety item I there's a lot of things that are there are different things that there's going to be continued communication with between us and our you know the senators with that, for example, things that could be explored to be self-insurance right or set aside some type of set amount of money you know and protected account or stuff like that or you know other changes we can make to the lease you know what's that you know to make sure there's or you know like put a liquidated damages provision in there regarding if we don't remove the panels or the components within a certain amount of time what's that so but I just want to preserve that ability because what's that again what's that if it's in the resolution right what's that my concern is that because of the difference rightfully so the difference that are our legislative body gives to the opinions of the commissioners of the administrative director it might reduce further discussions on that so if I may if I made some minor changes I'm just you know to recommendations that I think that will give us that flexibility while also preserving the most important things that are the items that are most important to the such as what's that the full dedication of the clubhouse to exclusive CHamoru Land Trust use and then had also the additional protection regarding PFA chemicals and also not putting these things in the landfill recycle.

**Acting Chairperson D. Herrera:** That was the objective that we wanted to make sure that the batteries were at the end of the contract and we were not going to continue using it for so long we want the entire place clean and remove the batteries right and I think we should include a fail mechanism that the batteries and the B panels are not removed you know that we should put a clause in it that for example to room and today some sort of find that because see we have a lot of properties that have waste tires and what happen is that the tires burn and that's still ongoing litigation now one whole area. Maybe five thousand tires burned and it's right on top of the aquifer so, what happens to that contract the contract is done but where is left with the use tires so learning from that list learn we don't want the pass and the batteries to be in the building after the contract let say it ends today on February so every month, we seeing Rain for drops and that's the question that we want to put in this resolution.

**Jerry Tang:** I think what that we could definitely put you know those items into the amended lease and I regarding some type of liquid damages which is you know what's that but I think that's something that we I hope to well what's that we need some time to find out I think what's that so, if I may if I may just read you know couple of our suggestions regarding the actual language of the resolution just yes I think my chicken scratch I don't know anybody read it let me just read it what's at so regarding section two subsection A, the bulk of it our change is just that regarding the because we're going to dedicate the whole building it's we have to take a look at where we're going to put the battery so I like to have to flex we like to have flexibility of regarding the maintenance and what's that we like to keep it in the negotiation negotiable just so instead of as written it would be subsection A the designation of approximately five hectares of lot number 10122-2, municipality of Dededo surrounding the area of the GICC clubhouse and the maintenance storage building along with it surrounding property of one acre for the use of the CHamoru Land Trust Commission is open to negotiation however the GICC Clubhouse along with the surrounding property of at least five acres shall be exclusively designated for the use of CLTC this designation aims to significantly reduce rental cost of the CLTC, Ancestral Lands Commission, and Department of Land Management by providing dedicated facilities the need for external office spaces such as ITC building will be minimized.

All my, all the thing that the only thing that our change did was to move the maintenance storage facility into the open negation because now we have to talk to our team and see okay we're not going to put that we're not going to put the battery you know in the basement of the building or so but what's that we will continue that dialogue in good faith with you the Commissioners and what's that our leg then the second item that we hope to hope the Commissioners will consider is currently section B under I mean under section two paragraph B it say shall be required to refurbish and reconfigure the GICC clubhouse to accommodate office space for the CLTC, Guam Ancestral Lands, and Department of Land Management so that's the current language now our concern is that it's very open-ended because if we don't have you don't have any idea what are the renovations in mind and what's it's so open-ended that it could be ten thousand dollars or five million dollars we just don't know but we're interested in continuing that discussion what's that so the language I know you know we're recommending is that to replace that what's that the lessee shall cooperate with CLTC with respect to the reconfiguration of the GICC clubhouse to accommodate office space for CLTC, GALC, and DLM what's that admittedly you know our language is also very vague but I think we're going to have the opportunity to continue this discussion what's that with during the public hearing phase with our legislature. What's that I understand where of course you know I could appreciate what the goal is to have a working office space and help the CLTC, Guam Ancestral Lands Commission and the Department of Land Management to you know rent what's that but just as written was it's just it's just we have no idea to what that amount is going to be and so and finally what's at paragraph C it's regarding the bond again we're just not sure there's any insurance company that provides that type of bonding what because this such a new industry of Guam and I think even Attorney Miller I think you said you were from Florida, Arizona okay so maybe Arizona has a lot of silver panels and then what's that and I don't know if it's the same issue that they share with Florida but you know occasionally yeah, so, what's that so for example in certain states what's say they won't use a solar panel. Then, what's that from a particular risk right like how what's that I don't think I don't think I want you get insurance for solar panels like installing your house you know from typhoon like that it's just you know so what we recommend is that we be willing to commit to is that what's that we will remove the solar components what and we will you know this could be added to the lease agreement right that they will be recycled they won't go on the land and then what's that so and also additionally because under such age you know under such age there's a lot of water act clean air act International C they may or may not have the particular protections that we're

looking you know that that that needs so I think the best way is to say you know what just commit just commit to not putting this in the landfill commit that these panels are going to be it's at so the Lage said I that we are proposing for C is um all components of the solar panel used for the solar farm must be free of per and poly fluorinated substances pfas additionally lessee shall be required to remove the components associated with the solar farm at the end of the lease the removed component shall be recycled and shall not be disposed of in w b so I think that that is a um more direct more uh I mean you know it really just talks about what yes and the industry direction where these components are recycled because of their in in intrinsic value like for example a lithium right when we talked about lithium now it really makes sense to recycle lithium versus disposing of it because of the cost of lithium and with the uh and moving forward I think it's only going to get more expensive as uh what's that you know EV electric vehicles become more adopted so um and um just recently what's that the um so whether this provision was in there or not what's that the industry itself is moving towards recycling all these components okay and if it was not removed can we I mean yes I think I think that's something that can run away or sure what's that so, so, uh typically how contractually we handled that kind of stuff is we were put in some type of liquidated damages provision right what's that or some type of penalty right for like hey you know what if you guys didn't remove this uh you know within three months or four months of the end of the lease term what's that you're going to get a monthly penalty of so much right so what's that if you know what's that so example of that an example of that would be you could that if the lessee fails to remove the solar components you know within three months of the end of the lease term lessee will pay the liquid damages per month.

**Acting Chairperson D. Herrera:** The monthly rental generally today right about twenty-five thousand a month and let's say thirty years from now and would be accelerated five point twelve percent so let's say that today is the thirtieth year and we don't remove so if we don't move forward to generate revenue for that property then we basically do see twenty-five thousand per month okay so we do twenty-five divided by thirty that will be about one thousand dollars a day but again because our main objective is to administer agriculture and residential. So, I guess, how many hours in the day sir? Oh, go ahead.

**Attorney N. Miller (OAG):** Mr. Chairman, members, I just wanted to comment for everybody's benefit that the issues the country club folks have raised that I certainly think we can lawyer around those I understand you're concerned about removing the panels over the entire term of a lease that things break for whatever reason that on these projects they're always swapping out panels that so I think certainly we can come up with some lease some lease language to address all the concerns that have been raised here the one I guess the one request I would make of frankly both the commission and the country club folks is on the topic of renovation costs essentially that's going to come down to they're willing to pay I'm making this up this up they're willing to give the commission as much as fifty thousand dollars to renovate the space and the commissions going to say but we need a hundred thousand so what on both sides on both the commission side and the country club's side pretty quickly that conversation has to get down to a place where we're talking about look if we're going to do this deal we need this much money to build the space out and they need to be in a place where he says we either yes we can give you that amount of money or no we we'll have to do you know something else so that on that topic pretty quickly the conversation has to get down to we'll give you so much a square meter and build whatever you want to build and then the commission square foot or the commission's going to have to decide yeah, we can build the space we want to be in at that price or we can't.

**Commissioner E. Garrido:** Yes, because right now the building is situated as a country club our intended use will be for office space so yes there's going to be that friction and I like your idea that they propose an amount per square foot for renovation hopefully they will also include modifications to the electrical and plumbing. In a previous meeting, they sort of hinted it they were going to give us free power.

**Jerry Tang:** I think Commissioner Garrido was taking a running a long extension cord and I'm okay with it.

**Acting Chairperson D. Herrera:** Okay so we got constituents behind you so if you have your listing there you want an integrated with our attorney and then you know...

**Carlos Camacho:** Well, what we were asking we got we wrote up the amendments can this amendment be adopted to what you guys want to adopt so we don't wait another thirty days.

**Acting AD J. Burch:** Well, we wanted to remove the surety bond and replace it with another language for that with other language for that some kind of a guarantee or guarantor...

**Jerry Tang:** I think what's that you mean...

**Acting AD J. Burch:** Because what we've experienced with our commercial leases is that we haven't in many of them had any guarantors on it or guarantees on it that many times that a corporation will dissolve itself and then we're left holding the bag because there is no guarantee that's what the bond is I mean you have one person willing to take all the responsibility for that then of course we but I don't know which one single person would agree to that, that's why the insurance type thing or else you put a bond up or something that's held somewhere that just in case some of these issues aren't meant would you agree to something like that?

**Jerry Tang:** I think as long as the language allows us to a solution that is comfortable with what's that I mean by that is what's that you can even put the surety bond requirement and say or another form of assurance that CHamoru Land Trust accepts you know in the event that bond is just not available to an insurance company on Guam. So...So...

**Acting AD J. Burch:** Security Bond or other type of insurance?

**Jerry Tang:** So, it could be as long as we could keep that dialogue going right but we about bringing up the resolution what I mean by that is for example what's that it could be I mentioned briefly some type of self-insurance What's that you know and that would be how that will work is we won't, we will set aside a certain amount of money in a protective fund right protective account that's dedicated for that purpose to ensure that that the removal of those components what's that reserve a reserve Bas like a reserve what's that, that but one of the things that we're hoping to do today is to move the process forward and I just you know because it's um we don't want to blow all the deadlines GTA and what's that and there is going to be a follow-up process you know with and we'll continue to work closely with you.

**Acting Chairperson D. Herrera:** Then as we move forward do we have a motion from our commissioners to amend or adopt the, your proposal to...

**Acting AD J. Burch:** I think we would need legal to review it. It could be conditional upon approval by legal counsel.

**Acting Chairperson D. Herrera:** Upon approval.

**Jerry Tang:** If I may then can I submit my chicken scratch to Attorney Miller.

**Attorney N. Miller (OAG):** I think...

**Jerry Tang:** Just for the record, right.

**Attorney N. Miller (OAG):** When I...here...really what needs to happen is the staff has put forward a proposal, the commission is free to amend the staff's proposal as you all see fit and so whatever amendments stipulations changes you all want to one of you wants to propose somebody willing to second it we'll vote those amendments and then the staff will amend the formal documentation in accordance with whatever the final resolution is, but it's really for the board to decide exactly what the parameters of the resolution are.

**Jerry Tang:** Attorney Miller is there any process that I'm supposed to follow because I read a bunch of things in the record but if I want to actually turn my chicken scratch over on that as part of the public record, what's that is there a way.

**Attorney N. Miller (OAG):** If you want, if one of the board members want to use your notes to propose an amendment.

**Jerry Tang:** It doesn't have to be.

**Attorney N. Miller (OAG):** It's fine by me.

**Jerry Tang:** I don't know about the chain of custody issues I mean do I just...

**Acting Chairperson D. Herrera:** Just...

**Commissioner A. Bordallo:** Just copy it.

**Acting Chairperson D. Herrera:** Dex? Yeah, attorney and director, I guess with the that you were mentioning you based on the refurbishment or the reconfiguration of the GICC clubhouse I think this is what you guys were saying right that like the attorney said it might cost fifty bucks it may cost five million dollars considering the age of the building and you know we've gone through the building from the top floor to the second and third and we've around the building and of course we, I guess the proper and accurate ways to have a professional assessment plan. Do an assessment on the building and then we can come up and figure but it's the point is that it's negotiable that's for, I go to "C" Charlie they require a surety bond so I guess our attorney is more familiar with a lot of you know miles and miles of a solar farm here we only have two or I think three right? Three solar farms so I'm not sure if a...I guess a surety bond here is to ensure that the place is cleaned up at the end of the contract and if the mechanism to ensure that it's a fail mechanism to ensure that the all the especially batteries thank you for explaining about the batteries because we want to put it or they wanted to put it on the first basement and we're saying fine as long as we have the second, the third and the roof we wanted the roof for

communication purposes so now that our attorney was saying I don't think you want to put a battery in a confined space and the place is confined. It's only like two doors so, right, that would fall under confined space, it's almost underground it's almost like the bunker at Naval Magazine. It's basically a bunker and then if you're saying that you want to make sure that those batteries that are stored on the properties removed if it's in the maintenance building, we just want it to move back to the contract.

**Commissioner E. Garrido:** Mr. Tang...

**Jerry Tang:** Yes.

**Commissioner E. Garrido:** Currently you haven't talked to the building repeater antennas, right?

**Jerry Tang:** Oh, let me ask Mr. Yohei about that. On the ceiling of the clubhouse are there any antennas or any other equipment up there?

**Yohei:** Yes, there are some antennas from GTA. No Docomo but GTA.

**Acting Chairperson D. Herrera:** I think...

**Commissioner E. Garrido:** Who would oversee that if you turn the clubhouse over to us?

**Jerry Tang:** You know those are very good questions commissioner and that's one other thing that it kind of highlights that we can't address everything within the resolution because there just so many things, what's that who's going to ensure the building now that uh the tenant is completely out uh what's that uh um how that transfer of use how do you know designate that what's I think what's that um uh we need to continue our dialogue with each other but I think that's like you know that's a discussion that increasing that AG's office to Attorney Miller that would be involved with on that uh to work out the nitty gritty okay but the broad strokes what I want to impress upon the uh from trust Commissioners and administrative director that uh we want to our motivation is to make this happen and what's that and we don't because of the again because of the difference that our legislative body gives to this to the decisions of this board what that rightfully so what that uh we want to make sure that anything that's in the resolution is able so what's that so which is why again you know with respect we're just not 100% sure that that is available any longer and concerning the referment renovation of the uh clubhouse it's just really vague at this point we just don't know what number I don't I don't think a b trust itself knows or you know what they have in mind right now is whether it's going to be a big open room you know I don't know what just a bunch of or what's that or what we're talking about so we're going to have so what we're hoping to do is have those types of conversations do not hold up the resolution because that would take up that would take so long.

**Commissioner E. Garrido:** So, how would you word the resolution, the amendment?

**Jerry Tang:** The amendment was the one that I read into earlier and also the chicken scratch I call it chicken scratch that I I'm making copies of right now it's I would say they it seems lengthy but really a lot of it is just from the from the existing resolution uh again you know regarding the uh the storage and maintenance what's that that we just move that category into the negotiation



category instead of this is a you know deal break type of situation because we need to talk about that also the refurbishment we instead of saying shall refurbish you know I just replace it to cooperate just because again we don't want it to be a deal killer when no one really knows what we're talking about here in terms of...

**Carlos Camacho:** Commissioners the building has it's own power meter and water meter so it's already...

**Commissioner E. Garrido:** That's not a part of the plans?

**Carlos Camacho:** That's not a part of the plans.

**Acting Chairperson D. Herrera:** Understand the white...

**Carlos Camacho:** exactly normally for those antennas GTA, they because there are some assets those get some benefits so if probably, they can provide we don't know what the negotiation would be and the new tenant will be they you know they ran in some cases in my other assets.

**Commissioner E. Garrido:** That's where we do the work around.

**Carlos Camacho:** When we give the sell benefits, it releases...

**Commissioner E. Garrido:** The current effect says they will pay the country club to use that. Even after you give us control of the building, they can insist that they will continue because the lease was made between the country club and them.

**Carlos Camacho:** We can clarify all that.

**Jerry Tang:** Yeah, I think that's something that's something we work on right I think a minimum what's usually these deals what's that thing the on I'm familiar with, right? You get like so many you get so many cell phones and free service.

**Carlos Camacho:** I'm not saying that's what all your employees are going to get. You never know what you get when you negotiate.

**Commissioner A. Bordallo:** Acting AD Burch.

**Acting AD J. Burch:** Yes.

**Commissioner A. Bordallo:** The suggestion that the attorney and Jerry Tang.

**Acting AD J. Burch:** I know that there are other ways like for the surety bond and stuff I know there are other ways to provide for some kind of guarantee on the end that we could that we could work out first I'm going to have to decipher the chicken scratch and make and this is something that Attorney Miller has to go over.

**Attorney N. Miller (OAG):** Mr. Chairman, members, the content of the resolution is up to you all again you have the staff recommendation for the content of the resolution if it's your pleasure to

want to move the resolution forward today you know we'll need a motion and a second to move the resolution and the extent somebody wants to propose amendments to the resolution again amendments would require a you know a motion and a second to amend specific pieces and parts of the resolution.

**Acting AD J. Burch:** There's an option to give us time to go over this too is that rather than adjourning the meeting today you could recess and then we'll start up again a week from today and we be able to go through this and see how it works into what we have here already so that gives us time to go over it because we just received it.

**Acting Chairperson D. Herrera:** So, we can still make a motion to accept the resolution or...

**Acting AD J. Burch:** No, you just stamp that you received it already but to accept it got to give us a little time to digest this too.

**Attorney N. Miller (OAG):** Mr. Chairman, what the director is suggesting is that this particular topic be tabled for the moment and that I think what to put words into his mouth what he's suggesting is that you direct staff to schedule another meeting in you know the next week for the specific purpose of and the only purpose of voting on a revised resolution for the country club lease.

**Acting AD J. Burch:** Yes, and the way to get around the open government law is to not adjourn the meeting but to recess it so we have that opportunity.

**Acting Chairperson D. Herrera:** We can do that in seven working days or five working days? Or...

**Commissioner E. Garrido:** It's up to us.

**Acting AD J. Burch:** Today is Thursday, Friday is tomorrow, Attorney, what...

**Attorney N. Miller (OAG):** I just need to worry about me, you've got you're the one with a short staff.

**Acting Chairperson D. Herrera:** The timeline on I understand everybody is working based on a deadline so, I guess if the resolution...

**Acting AD J. Burch:** You want it by Thursday next week.

**Attorney N. Miller (OAG):** Monday is a holiday.

**Acting AD J. Burch:** Monday is a holiday?

**Carlos Camacho:** If I may comment, I saw you guys did many recesses like from other meetings

**Acting Chairperson D. Herrera:** Right...

**Carlos Camacho:** I think you guys will meet your open government law. We'll follow up when you guys announce it okay, based on your open government law guidelines.

**Commissioner E. Garrido:** I'm inclined to do a recess to meet the open government law statutes and then we finalize this resolution...

**Acting AD J. Burch:** If we recess, then we got a lot of flexibility in the open government law or else we could call a special meeting and we go through the process of advertising that meeting that we'll be back here in about a week and a half to two weeks. Special meetings are specifically just for one topic only...

**Acting Chairperson D. Herrera:** Still motion to make, take action?

**Acting AD J. Burch:** Yes on, during that meeting, yes, except that we won't be discussing any other issue only a single issue for a special meeting.

**Acting Chairperson D. Herrera:** For the special meeting now adjourning for a succession meeting, we can discuss other...

**Acting AD J. Burch:** Yes, whatever we don't finish today and because we have a long...I want the agenda, we may have to adjourn some of this or table some of these until that so that's why I said we go on to recess we'll be able to continue the discussion or table it for now and get back to like what we did earlier, where it was tabled and push it back.

**Acting Chairperson D. Herrera:** Okay. In a nutshell, resolution right on this is going to say ten thousand a month for us, fifty thousand a month for Land Management and I believe Mr. ...

**Acting AD J. Burch:** Three thousand for GALC...

**Acting Chairperson D. Herrera:** That's about fifty, sixty, about sixty-five, seventy thousand. That's almost seven million...

**Jerry Tang:** Wow!

**Acting Chairperson D. Herrera:** Per annual, so, so, we're getting in the right direction. Okay, so, do I hear a motion?

**Attorney N. Miller (OAG):** We need a motion to table.

**Commissioner E. Garrido:** Mr. Chair pertaining to resolution number 2024-001, I move that we table this in a recess for this specific action.

**Acting Chairperson D. Herrera:** Okay, do we have a second?

**Commissioner A. Bordallo:** I second.

**Acting Chairperson D. Herrera:** Motion carries. Thank you so now we move on to the next...

**Jerry Tang:** Thank you, sir, thank you, director.

**Acting Chairperson D. Herrera:** The Guam Power Authority.

**Acting AD J. Burch:** Yes, GPA is here today.

**Acting Chairperson D. Herrera:** They are here today?

**Acting AD J. Burch:** Yes, and where's Dexter? Dexter knows about this. I believe this is for the in-kind services from GPA and use of our property to stage their, maybe a couple of years.

**Acting Chairperson D. Herrera:** May we have the representative from GPA?

**Commissioner E. Garrido:** Let's wait for the attorney to come in.

**Acting AD J. Burch:** I think at the last meeting we kind of already to move forward on it, I guess one of the biggest decisions is going to be of course agreed on the and the location for the services to place.

**Commissioner E. Garrido:** Do we need the...

**Acting AD J. Burch:** I was not a part of the negotiations there's a lot of material on the table so it was Joey Cruz but he put Dexter on. Dexter will speak on that behalf. Of course, GPA is here too.

#### **d. Guam Power Authority Request for MOU – Lot 7054-R9, Yigo**

**Dexter Tan (CLTC):** Good afternoon commissioners...

**Acting Chairperson D. Herrera:** Good afternoon.

**Dexter Tan (CLTC):** We have representatives from Guam Power Authority today regarding the proposed memorandum agreement for lot number 7054-R9 municipality of Yigo for three years.

**Tricee Limtiaco:** Okay, I'll start. Good morning again good afternoon, excuse me long day, I'm sure for you too. So, again my name is Tricee Limitiaco, I'm the Assistant General Manager of Administration and now acting GM of GPA and with us, we have Antonio Gumataotao here he's our GIS supervisor and we have Marianne Woloschuk, who is, our attorney.

**Acting Chairperson D. Herrera:** Welcome.

**Marianne Woloschuk (GPA Attorney):** Thank you

**Tricee Limtiaco:** Thank you for allowing us to be here today and to hear our matters. Is Dexter Tan going to give a report, Mr. Burch, or...

**Acting AD J. Burch:** I'm not sure, Joey Cruz should of...

**Dexter Tan (CLTC):** We don't have a report it's just eh memorandum of agreement has been submitted to our Commission.

**Acting Chairperson D. Herrera:** Okay, is Pierce available to give us some...

**Dexter Tan (CLTC):** Yes sir.

**Acting Chairperson D. Herrera:** Roger that. Okay.

**Tricee Limtiaco:** So, just to recap, when we were here last time and we introduced this matter before the board, we said that we are interested in doing exactly what Mr. Burch said to stage our equipment on that lot for three years. This equipment will not be operating as a...we just need to stage these pieces of equipment temporarily in our proposed terms and it was not as we did say that whatever that value is when we I have the authority up to hundred ninety thousand for those three years. We'll be happy to provide any in kind services our staff including JR, he was our main POC working with the CLTC staff which and they were great they identified five lots we understand now that there is six possible lots GPA is willing to you know to negotiate those lots which lot you would like we feel that can come that does not need to be nominated at this time because really it's up to CLTC to decide which lots they want to pursue for the improvements so at this point you know I asked our attorney to be here, she just handed as we waiting a draft copy of the so I have not had a chance to discuss this with her and she'll be able to discuss issues that you might have.

**Commissioner E. Garrido:** We can designate where we will use the in-kind services, correct?

**Tricee Limtiaco:** That is correct.

**Commissioner E. Garrido:** Okay, so if I wanted the in-kind services to be done in Merizo. You will proceed to...

**Tricee Limtiaco:** We look at this is a...this is a credit; you will have a credit right. We had a very good discussion with the CLTC staff at this point was just a desktop audit to be more specific.

**Commissioner E. Garrido:** CLTC has lots down in Pagachao, in Hagat, and I would use I would like to use part of those in-kind services to be applied down there. I don't want to be restricted to just up north.

**Tricee Limtiaco:** It is you know, again we're open to that we perform the desktop audit including the estimated cost to do this just based on Jr's maps it would depend on going down and ensuring that easements are clear if any surveys need be done any cultural studies any environmental studies so it's we're here for the CLTC and those discussions should be...

**Commissioner E. Garrido:** That property has been in existence for at least twenty years so if we have funds available, I would like to have the funds directed to the Pagachao down because we have leases there already and we need to bring in infrastructure at least electricity there so just as long as we're open-ended as to where we can apply the in-kind services.

**Tricee Limtiaco:** One of our concerns that GPA brought up during our last meeting with staff is GPA would want to ensure that whatever service we are bringing line extension is used a cost to maintain service. These lines once we pick them up and so it would really truly be a waste those lines if they are not utilized so again it's really up to you. Do you have anything to add as far as the use?

**Antonio Gumataotao:** As far as the use specific to that area in Hagat, Tract 319, we looked at some data we provided CLTC our GIS layers of existing utilities and we did a cursory review and you know did an estimate based on the sites however we did not look at any other stuff such as rivers like Tricee said we didn't look at anything else just a tabletop cursor review so we got we have some numbers again but it's subject to looking at everything is it open, is an easement defined are they any cultural or other constraints. So, we need to determine that before we make a true assessment of tract 319 Pagachao area. We can also piece meal, right, so, if you have a portion of Pagachao done and then we move to the next low hanging, we can do that as well. It doesn't subject us to one particular side.

**Commissioner E. Garrido:** That's exactly what I wanted to hear.

**Acting AD J. Burch:** So, what you're talking about commissioner is having open-ended GPA needs a side for staging we could agree to that is opened where the services will be applied but of course GPA is going to say this is a fixed amount of nineteen thousand or so and as we eat away off of that amount.

**Commissioner E. Garrido:** I thought it was two hundred ten.

**Acting AD J. Burch:** He's still negotiating with you guys I remember one ninety so I agree and that's pretty much the bottom line and times of the essence I understand GPA that's what I am told and before they move to plan B, plan A is us, we have this opportunity to close this deal if we can and then maybe later we can come up with where we want to state, it's the board's decision.

**Commissioner E. Garrido:** As long as open-ended piece meal.

**Acting AD J. Burch:** And that way we can just have a credit with GPA for services, right, in-kind services.

**Commissioner E. Garrido:** I am sorry for interrupting your attorney.

**Marianne Woloschuk (GPA Attorney):** Your MOA the memorandum of agreement it's mostly okay not objectionable there's some things that we need to fill in some blanks to fill in we can do what you're asking for.

**Acting Chairperson D. Herrera:** I have a question on this. On this kind of configuration. This is a GIS table what I was analyzing is that first you guys can estimate. Take for example, 319, this property right across the power plant in Dededu, it's a hundred and six lines so this was subdivided but not. My question is that does your GIS require that the map be recorded with Land Management and inserted interface with the program you have or can we do a table talk and then do a preliminary?

**Antonio Gumataotao:** Yes sir, we can do anything with the GIS but that's another constraint right is a map certified, is a map registered with a Land survey map in Land Management? It cannot be a master plan where it's not defined where the easement isn't defined so that would be a constraint.

**Acting Chairperson D. Herrera:** Okay, very good...

**Commissioner E. Garrido:** JR would there be a limitation as to the type of distribution lines whether it be transmission or distribution or secondary.

**Antonio Gumataotao:** So, it will only be transmission lines in this area.

**Commissioner E. Garrido:** Okay.

**Acting Chairperson D. Herrera:** This tract 319 was done tabletop but no actual survey. It was electronically subdivided to one hundred and sixty-six and I was going to respectfully asked to request for a GIS estimate on this 166 lots but again you mentioned that it has to be configured.

**Antonio Gumataotao:** Yes sir, that would a constraint without the definition of a right-a-way we don't have rights to go on that property and put in lines

**Acting Chairperson D. Herrera:** Okay, understand.

**Antonio Gumataotao:** It can change right and we want to do it right the first time.

**Acting Chairperson D. Herrera:** So, you have Marine Drive for example and you turn to Paradise Meadows those are right away. Okay so you go Marine Drive Paradise so if you have that there right there.

**Antonio Gumataotao:** Thank you, Pierce.

**Acting Chairperson D. Herrera:** Can you expand it Pierce? I would like to get the GIS, give us a configuration and computation of the linear feet and how many to spent.

**Antonio Gumataotao:** Yes sir. So, part of the task when we first met with Joey and his team, we gave them all of our data, just for them to choose sites and that's what we came up with the five sites have all the data we have that's and can verify.

**Acting Chairperson D. Herrera:** The reason why is that we have Guam Lands Commission, they went to through the zoning process property has been rezone from agriculture to residential so it's been rezone and we have all the approval from the one and then we requested for an interest for any developers but it ended on March of 2022. This is 319, this is one...can we do GIS and electronically and computation and let's see was that the presentation that you guys provided. No nothing to install yet, no need to install power or the equipment to come in all we want is to put power and span.

**Antonio Gumataotao:** So, I believe for track 319, sir, we provided that data to Joey.

**Acting Chairperson D. Herrera:** Oh okay, you did? Okay and that's what we need to do right, what comes and what gets fed into this office we want to know we need to know because we cannot do our planning if we don't know these data that come in and gets fed, that's you see how we cannot do a long term or short-term planning.

**Acting AD J. Burch:** So, do we have a plan that you some for the six months.

**Antonio Gumataotao:** So, we gave these data.

**Tricee Limtiaco:** Sorry we didn't bring any copies.

**Acting Chairperson D. Herrera:** This is the blind spot that we have and we have that we can't plan we come here once a month we get an operation that's been here thirty days so that's a weak spot.

**Acting AD J. Burch:** It may be a weak spot Mr. Chair, but the thing is you give us a dozen things to do I have short staff one's out on leave so you can't expect me...you are talking about weakness, weakness is a lack of staff so that's the front of me...

**Acting Chairperson D. Herrera:** No...no...no...no...

**Acting AD J. Burch:** I don't like that so...

**Acting Chairperson D. Herrera:** Please hold on...

**Acting AD J. Burch:** I want you to be fair with the staff that work here, right now we only have about four people.

**Acting Chairperson D. Herrera:** Yes, I understand.

**Acting AD J. Burch:** I'm here, although I have the flu, I'm still here working so don't say it's a problem, if you want, I'll go back to my agency and just leave you with another director.

**Acting Chairperson D. Herrera:** No, we are okay. You see how it shows here right that's what we're saying is to have a well-rounded view. What's good for the north I think we should give some to the south also so is this for 319?

**Antonio Gumataotao:** So, number six is tract 319, sir. That was the sixth site that we included.

**Acting Chairperson D. Herrera:** So, same thing as the north same.

**Antonio Gumataotao:** Again, it's all tabletop subject to there's a bunch of other stuff.

**Acting Chairperson D. Herrera:** Understand now no and it's good that you had this estimate last year.

**Antonio Gumataotao:** Just when site six was added two weeks ago.

**Acting Chairperson D. Herrera:** I see...



**Antonio Gumataotao:** Very recently yes, CLTC staff...

**Acting Chairperson D. Herrera:** What I am understanding is that we have about maybe six thousand lots from the land of the landless and that includes you know from Yigu, Dededu, a lot don't have power what I'm concerned that put in power for example, you understand we put the power in and there's no sewer. There's water no sewer something like that and what happens...

**Antonio Gumataotao:** So, again that would be a constraint like you tell us where you want power, we'll bring it subject to all you know addressing all the constraints.

**Acting Chairperson D. Herrera:** So, that's just my point again with nothing you know he was here only two months I'm only here about sixteen months or you know a year and a half so we're learning the process we're the process that's been here for thirty years so we're just trying to see if we can enhance the system. Okay, we wanted to invite Guam Water Works to work with us because...

**Commissioner E. Garrido:** How do you define a span?

**Antonio Gumataotao:** So, a span is two poles between two poles so one would be okay...

**Commissioner E. Garrido:** So, these eight thousand costs per span include wire?

**Antonio Gumataotao:** Yes.

**Commissioner E. Garrido:** Installation?

**Antonio Gumataotao:** Yes.

**Acting Chairperson D. Herrera:** So, three-span.

**Antonio Gumataotao:** Three-span would have to begin.

**Acting Chairperson D. Herrera:** Then the third span would be another two?

**Tricee Limtiaco:** With one pole and then...

**Commissioner E. Garrido:** What is the measure for span, two hundred feet?

**Antonio Gumataotao:** One eighty to two hundred. Again, depending on topography.

**Tricee Limtiaco:** Mr. Chair, we would like to discuss this of course more in detail with the staff and then of course with you. Our main concern today is whether or not we can get to the yes for the MOU. You have mentioned it, and Mr. Burch had mentioned it earlier, time is of the essence so we are going to the PUC this month it is the fifteenth next week so the twenty-ninth to the PUC for approval once the approval is done, we're going to award the contract and then at that point the contractor will be issued the notice to proceed things will move very swiftly after then so we have asked Mr. Burch if we do get the approval from the commission may we have permission to enter to clear the overgrowth, the trash, you know whatever debris is on the

existing lot. We have noted the history of the lot and JR had mentioned and also the staff has been very good about giving us the history on the lot that was used as a lay down yard before so you know we don't anticipate that there's going to be more than just clearing and throwing trash.

**Commissioner E. Garrido:** Will you guys be putting up a security fence?

**Tricee Limtiaco:** We haven't discussed that yet. We do have security guards on-site on that site. The site itself our site which faces Marine Drive is fenced in but it's only fenced in on two sides the open side the security monitors that area. That's a point, commissioner.

**Acting AD J. Burch:** Yeah, I agree that we should move forward quickly because time is of the essence and pretty much GPA is leaving it open-ended for us to decide on location so going back and forth and debating GPA which is the best site that's the decision the board's going to make. GPA is saying well you ask for six sites you have their proposal the cost, and of course you could see that depending on the location the cost to develop the side is going to you know it changes whichever is easiest whichever serves the best or what we call the low hanging fruit which serves the most people in me so I say that we leave that decision up to the board at a later time and move forward with this GPA needs to get in there and clean up the site if they're going to use that for the staffing of their equipment for the next three years and then we can take our time and decide which area this is going to be because their concern is getting the equipment moved if we don't move on this deal it's not a bad deal it's actually a good deal they're going to move to plan B and there's always a plan B, C, and whatever just first one.

**Acting Chairperson D. Herrera:** I have no problem, no problem.

**Commissioner E. Garrido:** Attorney Miller, have you reviewed their proposal memorandum?

**Attorney N. Miller (OAG):** Yes, a place to start it as their counsel indicated you know there are blanks to fill in before it's ready for signature but the content is fine.

**Acting Chairperson D. Herrera:** So, do we need a motion for to make the for the property.

**Attorney N. Miller (OAG):** You need a motion to approve the memorandum, authorize the staff to finalize it and execute it.

**Tricee Limtiaco:** Also, if Mr. Burch to give us permission to enter.

**Acting AD J. Burch:** Yes. So, that you can clean up the property.

**Acting Chairperson D. Herrera:** So, may I make a motion to have permission granted or do I...

**Acting AD J. Burch:** Should be one of them because you're acting chair.

**Commissioner E. Garrido:** You don't have a reference number? Okay, in reference of memorandum of agreement for lot number 7054-R9, municipality of Yigu, for a period of three years I move that we authorize and we approve this memorandum of agreement between GPA and the CHamorú Land Trust upon review of director and legal counsel that's my motion.

**Attorney N. Miller (OAG):** The motion needs to include the authorization for them to enter.

**Commissioner E. Garrido:** And authorization for them to enter the property.

**Commissioner A. Bordallo:** I second

**Acting Chairperson D. Herrera:** Motion carries. That completes the...

**Acting AD J. Burch:** Thank you, Commissioners.

**Acting Chairperson D. Herrera:** Okay.

**Acting AD J. Burch:** That you will be able to go in, you need a letter to that effect, I'll have one with you.

**Tricee Limtiaco:** Okay, JR can help you with that.

**Acting AD J. Burch:** Thank you.

**GPA Staff:** Thank you very much.

**Acting Chairperson D. Herrera:** Is Guam Water Works here?

**Acting AD J. Burch:** I don't know if Guam Water Works. We didn't put them on the agenda because we didn't have anything with them.

**Acting Chairperson D. Herrera:** So I guess my question, I am not trying to fight I'm just asking. The five sites right we're going to put in a certain amount of span, do they have sewer?

**Acting AD J. Burch:** That's not with GPA that would be with Water Works.

**Acting Chairperson D. Herrera:** That's why I ask, does our staff know?

**Acting AD J. Burch:** My understanding is we don't have the infrastructure in there. I'd have to call one of the land agents in but the ones that would know are out sick today so that's why in the area we were discussing it would be great to put place that in an area in Mangilao where we actually have people living there that don't have power or water and they're living there and we have to look at the others to see.

**Acting Chairperson D. Herrera:** So that was my point when I was asking about the size.

**Acting AD J. Burch:** I know but the thing is to say that there's a problem with getting these numbers to you this is something that's constantly moving. It's in flux they just happen to come a meeting and the staff involved with the negotiations, two of them are out sick. I think the flu or something and I'm wearing a mask not to share with anyone.

**Acting Chairperson D. Herrera:** And I thank you for coming.

**Acting AD J. Burch:** It's important to get through especially we have constituents here that need this to get through and I'm hoping my throat hangs out long enough and I know Jhoana needs to take off soon enough.

**Acting Chairperson D. Herrera:** I also have COVID just to let you know.

**Acting AD J. Burch:** You have COVID you are not even wearing a mask. Now she's wearing a mask.

**Acting Chairperson D. Herrera:** It's like a flu. Anyway, here's my here's my general point we have eleven thousand or so acres right and I want to know can do the planning because.

**Commissioner E. Garrido:** We're only allowed to have a little more than twenty span based on eight thousand dollars.

**Acting AD J. Burch:** And that's the thing, who can we serve the best out the most. I don't know about you but Mangilao has the most concentration of people that can be best served in that particular area and of course you won't be able to make it.

**Acting Chairperson D. Herrera:** May I request for a short time out?

**Acting AD J. Burch:** Sure.

**Acting Chairperson D. Herrera:** We are going to be out of here by four four thirty.

**Acting AD J. Burch:** Yes

**Acting Chairperson D. Herrera:** Calling the meeting back to order, it's now three thirty-one. So, we're on number five old business—start of nineteen ninety-five applications.

**Acting AD J. Burch:** Okay, Mr. Chair, we have a bill to fix these five issues here. Many of these issues here on the status of ninety-five application listing deals with succession and you would be there to testify on that bill bill number 228-37 my understanding is it's on the agenda for the next session of the legislature and basically what that does the bill 228-37 was to include grandparents, parents, siblings, and grandchildren of the designation. Also extending to successor of applicants and lessees with retroactive application for the effective date of law. The goal is to recognize the importance of extended family relationships and to protect their rightful interest so it's worth noting that the speaker has included our recommendations in her bill that demonstrates a positive response to the concerns that we raised at the last public hearing so I recommend that because that would address these issues that we brought up of these five that because if this bill becomes law I believe they I'm not sure when they're going to go into session like the next week or the week after. If it does come up it could become law within the next two weeks and that would take care of that so my recommendation is to table those unless you want to go through here what we have to say about each one of them but that's what's going to come up okay so any work commissioners there's five and this is all about succession yes, all five are affected by the bill for succession. They have been notified I'm not sure are they of these people here yet.

**Commissioner E. Garrido:** If these are all for succession, or due to succession, I agree to table this until after the legislature amends the rules for line of succession but then this would be no issue item.

**Acting Chairperson D. Herrera:** So, none of them are here, just out of respect.

**Jhoana Casem (CLTC):** No.

**Acting AD J. Burch:** I don't see.

**Acting Chairperson D. Herrera:** Okay so we'll move on, we need a motion to table this.

**Commissioner E. Garrido:** On the statuses of the 1995 application list for Michael Steven Pangelinan, John J. Quintanilla, Anthony Palacios, and John Anderson Leon Guerrero I move that we table this pending the legislative approval.

**Acting Chairperson D. Herrera:** Do I hear a second?

**Commissioner A. Bordallo:** I second.

**Acting Chairperson D. Herrera:** Motion carries.

**Acting AD J. Burch:** I know for some reason the agenda is under new business but it also deals with 228-37 and I know that we agreed with that bill at the legislature with the amendments for some reason it asked for the acceptance of the order of succession based on the draft bill I don't know if you well that comes later and it's on the same discussion. What we're talking about now is odd that we can wait and get to it when we get there it's going to be dealing with the same thing, I just told you about. I just find out that would be separated from the rest and the succession would be with that's what we're just discussing right now.

**Acting Chairperson D. Herrera:** That succession would be with...

**Acting AD J. Burch:** That's what we're just speaking about right now.

**Acting Chairperson D. Herrera:** Maybe that's the other "E"? You see, understand.

**Commissioner A. Bordallo:** Does it apply to "F"?

**Acting AD J. Burch:** No, it doesn't apply to "F".

**Acting Chairperson D. Herrera:** Bill 228-37 applies to successor which is that on the status of 95, right.

**Acting AD J. Burch:** Yes.

#### **f. Tabled SBA Loan Guarantee Requests**

**Acting Chairperson D. Herrera:** Okay, so, moving on to table SBA loan guarantee request. Do we have those constituents here?

**Acting AD J. Burch:** Okay these were those that were tabled but again to advise you that this is where I guess legal was listening closely on this. These are affected by my letter for legal opinion from the attorney general. I guess we can go through each one of them unless you want to wait until the attorney general returns with his opinion or you want to just hear them all, it's your decision.

**Acting Chairperson D. Herrera:** So, Mr. Flores was on unregistered property. Based on the report is that they was, you're willing to relocate or...

**Acting AD J. Burch:** I can get a brief and then call up and ask Mr. Flores was issued September 3, 2002 agriculture lease for a portion of 7153, Yigu containing an area of not more than two acres and based on his December 15, 1997, at 11:17 am his lease was board approved on well he says his lease was board approved on September 20, 2018 and on August 18, 2023 submitted the loan authorization agreement on December 30, 2023. A site inspection was conducted to validate the structure and GPS of the area on February 7, 2024 site inspection to validate occupancy on lot 10121, Yigu which is an unregistered property.

**Acting Chairperson D. Herrera:** So, the request is for numbers one and two? Item one, right, SBA loan...SBA loan guarantees approval and approval to build on a residential home.

**Jhoana Casem (CLTC):** Mr. Chair, so in regards to the report that you have in front of you regarding the recommendation resending that recommendation until legal counsel can give their guidance for the relocation.

**Acting Chairperson D. Herrera:** Is there a lot shown?

**Jhoana Casem (CLTC):** So, in terms of what was presented, Mr. Eay, he's not here so he's more verse in terms of his relocation however in regards to this recommendation we're going to wait until the legal counsel can give his advice.

**Acting Chairperson D. Herrera:** Relocation and the unregistered land?

**Jhoana Casem (CLTC):** Yes sir.

**Acting Chairperson D. Herrera:** Okay in the meantime, can Mr. Phil continue to occupy the property.

**Acting AD J. Burch:** Actually, we are not taking any action until we get feedback from the Attorney General's office actually the Attorney General himself because he was a preoccupier and the property he's on right now is unregistered property which is not allowed for by and so what we're going do probably look for is to relocate. But I guess yes we should hear it.

**Acting Chairperson D. Herrera:** CHamoru Spoken (Brother, do you want to come up?)

**Commissioner E. Garrido:** Director Burch isn't there also an issue based on being agricultural?

**Jhoana Casem (CLTC):** Yes.

**Acting AD J. Burch:** Yes, he was issued agriculture so there's several categories that we submitted that I submitted to the AG actually six different categories and for some people they may be affected by one or the other or sometimes three categories at once so if we clear them of one we still have two others to clear them off.

**Acting Chairperson D. Herrera:** I understand that we approved loan guarantees for the first ten? Right, ten? All of them have some sort of findings but because it's a disaster loan, their homes have been damaged, we somehow we have legal counsel, give us the green light to approve their SBA loan to construct their home so that they can have a place that's safe and sanitary in the meantime and I would like to find out with Mr. Flores's condition and the family because apparently they got approved for a loan that the Small Business Administration has vetted out the location it warrants a SBA loan and now what do you guys recommend, Mr. Director.

**Acting AD J. Burch:** Well if you're going to ask me what I recommend I would recommend waiting for a legal opinion to tell us what action we can take because this has been a contention that mentioned earlier that we've had since I came here about three months or so is that these issues have popped up constantly it's always there facing us in the face and when we read into the law like the property they're occupying because they have a lease issued by the CLTC I think it's on the responsibility of the CLTC to offer them an option perhaps relocation but if they don't want to relocate the issue with the lease is that it's for unregistered land and in the law it clearly states you shall not lease unregistered land it's very clear doesn't say may or anything else it says shall not so these are the issues that we've been facing constantly every time we come here so the decision is yours Commissioners to make this decision I would prefer of course the legal for him to advise you on what course of action to take should you decide to pick up on but we have options could be offered and perhaps a relocation to a registered property.

**Commissioner E. Garrido:** State your name.

**Philbert Flores:** Oh, my name is Philbert Flores from Yigu. I don't mind the relocation but it has to be the two acres that's what is stated on my papers because I have cows, two cows right now. Do you want me to put the cattle on a half-acre? I have two cows so that's four acres. I am raising a cow right now on the property.

**Acting AD J. Burch:** For legal to understand he doesn't speak CHamoru.

**Philbert Flores:** I was brought up that way, I am used to speaking my language.

**Attorney N. Miller (OAG):** I figured it out Arizona it's forty acres per cow.

**Acting Chairperson D. Herrera:** That's what we wanted to clarify on the statute right what is one cattle or two? I raise cows myself but it's not clear it just said twenty acres maximum right and that was my point that a lot of statutes need to be clarified you know. But the important part here now is that how are you living and we know that you have an SBA loan and that's the main concern how's the home and that's what we want to decide now is that of course there's an alternative have you looked at the alternative side you seen old they show you?

**Philbert Flores:** No, they haven't show me anything yet so I'm still waiting so that's why I came to ask for leave from work so I can know.

**Acting Chairperson D. Herrera:** Again, we understand that it's an unregistered land.

**Philbert Flores:** Yes, I understand.

**Acting Chairperson D. Herrera:** It's no fault of your own.

**Philbert Flores:** They gave me authorization to go ahead and survey the property that's what I did first.

**Acting Chairperson D. Herrera:** So, Mr. Director of the question is that no your position to evict them that we get everything said and I would like to hear from our commissioners what do they have to say or they have any questions commissioners. **Commissioner E. Garrido** or **Commissioner A. Bordallo**?

**Commissioner E. Garrido:** It's not my intention to evict you I would like to relocate you and work it up from there but we can't do anything until we get an official opinion from the AG but like I said we can relocate.

**Philbert Flores:** I'm going to go ahead and just use the property until you guys come up with a solution.

**Commissioner E. Garrido:** Until we resolve this issue.

**Acting AD J. Burch:** Of course Glenn will show you around when he gets back you know he's out today and feel bad for the guy but I should of stayed home today but you guys have been waiting and that's why I'm here to try to get these things moving forward but hopefully when he's back he'll be able to contact you because he told me that he came up with one area and then he found out it wasn't good something that you might not like, he has another area in mind and hopefully be able to show you the place.

**Acting Chairperson D. Herrera:** Mr. Director just to be clear, Glenn has showed two lots?

**Acting AD J. Burch:** He's looked at two lots, I don't know if he's shown him.

**Commissioner E. Garrido:** Do you have a lease?

**Philbert Flores:** Yes.

**Commissioner E. Garrido:** You paid the ninety-nine dollars already?

**Mrs. Flores:** I paid fifty dollars already we paid our taxes forty tax we paid our property tax.

**Commissioner E. Garrido:** I asked because if we relocate you, I want to credit you to the new lot.



**Mrs. Flores:** I've been um communicating with SBA because of the situation we're in apparently, he says everything's upon approval once again so should you relocate us, we're looking at a whole new structure no longer not renovation but uh to fix up the repair yes no longer repair it's going to be a whole new renovation a whole new building so it's going to have to go through a process once more.

**Acting AD J. Burch:** Land registration would take us about if we work hard on it work fast about two years and that's going to be then the SBA disaster loan is not going to be available to you so the quickest way would be a relocation, we just need the CLTC staff to get over whatever they came down with and get back to work.

**Mrs. Flores:** So, what it is that um we're trying to find out well with us being Rel relocated somewhere else with that um because we only have up to August and I do recall uh one of you saying that we can ask for an extension and we can with the letter that you said you would provide right but again and it's upon approval everything is upon approval. so basically, we're stuck in a hole because not only can we not do the fixer upper we can't do anything period because the land is unregistered.

**Acting AD J. Burch:** I cannot speak for what previous administrations have done uh I want to say that you're not the only one involved in this situation that has uh leases for unregistered property I've been here now for about 3 months and uh I found a few and you're one of them so the thing is now moving forward is not to continue the violation law but to correct it and one of that will of course relocation is the easiest of taxes because we could say you could stay there and then we'll go about the process of registering the property but if we don't register the property this will require us to go through the court the system also uh we can't identify who is there if any other people is claiming to own that piece of property uh we have uh people on property side to say that are on federal property so we can't authorize him or give them a loan guarantee for a property that CLTC does not own.

**Mrs. Flores:** this is why I was thinking that because we have to go for another approval process and sign for a new building should we get relocated if um once you give us that letter which I'm not sure how long that's going to be.

**Acting AD J. Burch:** Well, I'm recommending that to the board that until I get a response from the Attorney General's office...

**Mrs. Flores:** We won't get that letter from you guys.

**Philbert Flores:** We can give to SBA that we.

**Mrs. Flores:** No, the reason why because when we do that processing, we need a lot description to do that processing and we cannot do that processing if we're not relocated yet.

**Acting Chairperson D. Herrera:** We haven't found a lot yet.

**Mrs. Flores:** Exactly so everything is actually...

**Acting AD J. Burch:** You understand...

**Mrs. Flores:** Yeah, so, we're still at that speed bump regardless if I start something with SBA with that letter is if there's no lot number on that they're not going to move forward.

**Acting AD J. Burch:** Glenn is looking for lease before he got off the job for a while but you know soon, he sees the turns he'll get back on it so hopefully we can get that

**Philbert Flores:** I got another question here being, you guys are only able to give us a half-acre, may we utilize that land where I have now while you're working while you guys are working on for example, I get half acre to build a house for my family and the cows I got on that land. Now can I be able to use at least that? I have to continue racing my accounts. Yes, unregistered and you guys find me another property that will shot me another acre? What she was saying maybe half if that's what we got that's what was saying at the last meeting. An acre that is already registered. Where I am now. He has some half acre that has water power and everything because I have power and water in this property where we developed it and I'm just saying that if I'm only given half can I go ahead and use as a residential and I well guess it would be to find a substitute two acres and put.

**Acting AD J. Burch:** That's a decision the board will have to make I can't say that we could give a letter of authorization to use on unregistered land not knowing that might be a cloud on the property until we actually decide through ownership that's why that goes through the judicial system understand that process so nothing stops you from doing it if nobody's laying claim and nobody else is using it just that CLTC can't legally give you that authorization so once we find the two acres that has that's one of the issues brought up these issues that's why I prepared this and I sent it out the other day like I said there are five different categories I wrote about hoping we got some clarification of what our what we can response from the AG. I have no idea they're old stretch but they brought a lot of new attorneys in so I'm glad we have Attorney Miller with us he was asking the how long is the two acres as soon as they find it. It's up to Glenn to be in. It would be him or someone that because the land sign that you're assigned to but he's the one that you've been contacting he's the one handling your case so that he would be the in charge.

**Acting Chairperson D. Herrera:** CHamoru Spoken (okay, brother, thank you. Make the cow give birth.) Okay, next number eight Anita A. Cruz, Mr. Director.

**Acting AD J. Burch:** Okay Ms. Cruz approached the Chamoru Land Trust Commission requesting for a loan guarantee to rebuild a structure after with an approval amount of \$22,000.00, \$95,000.00 for real estate placement with the review of Ms. Cruz's file the original application date of Atanacio Cruz is December 7, 1995 at residential, a residential applicant he requested to change his application type from residential to agricultural which was administratively approved. Mr. Atanacio was issued on August 17, 2002 a ground lease for two acres on a portion of Lot 7066, Yigu on January 2, 2020, Mr. Atanacio requested to relinquish his two-acre lease to Ms. Cruz in a notarized letter an addendum effective January 28, 2020 transferring agriculture from Atanacio Cruz to Anita Cruz. On August 17, 2023, Ms. Anita requested the SBA loan guarantee and agreement what it says there's no recorded survey map for portion of lot 7066, Yigu because the original application type is residential and lease issued is agricultural lease can be or is considered defective again that's one of the issues here is for those people who were granted one lease and for whatever reason the administration had passed although it's the way we do it today there's no authorization to do so transfer from residential to agricultural or vice versa that's listed in this and I believe this here you received the

lease transfer from your brother right. That's being addressed with bill 228-37 to siblings but there's she like I said there is one issue between siblings but that wasn't addressed in my letter to the AG because I know this a before the legislature that would take care of that and fix that other part. The original application is residential and it's now agricultural. The other part it's for two acres.

**Acting Chairperson D. Herrera:** I guess the primary request is another loan guarantee.

**Acting AD J. Burch:** Yes, these are from loan guarantees that were tabled.

**Acting Chairperson D. Herrera:** Most likely the home is damaged.

**Anita Cruz:** It is.

**Acting Chairperson D. Herrera:** I guess we are back to...

**Acting AD J. Burch:** The decision is up to the board.

**Acting Chairperson D. Herrera:** I am in favor of the loan guarantee, of course because it's a disaster loan it's a humanitarian effort and we have set the presidents for the first ten that even with the minor or you know unregistered land we have to prove for the constituents to build or rebuild their home because they're living in a substandard condition and I know it's but typhoon comes and Attorney Miller you understand that sometimes you have typhoon even we had that was or something like that was 76 so the point here is that Ms. Cruz is here for the SBA loan guarantee for her home. I haven't seen your home but I'm pretty sure the SBA or the FEMA has already I'll take FEMA's word and then I'll listen to your word.

**Acting AD J. Burch:** The options you have available to you is uh in this I know uh like I said this part of the categories is transfer from sibling we I got a feeling that that bill will become law I don't think there's going to be opposition to it but two becomes law it's still not the law right uh the other issue is uh the change of application you know from residential to agricultural uh that's the other one and of course I'm going to be waiting for the AG's of course uh you could have various options here uh of course you take the responsibility like you did in all the other ones I you approve or disapprove approve or table you can approve you can table you could uh uh table waiting for the AG's opinion uh the decision is up to the board.

**Acting Chairperson D. Herrera:** I would like to hear from the board.

**Acting AD J. Burch:** Of course, other one to disapprove the option

**Acting Chairperson D. Herrera:** Commissioners?

**Jhoana Casem (CLTC):** Sorry, Chair, may I say something. Just keep in mind that Ms. Cruz is still part of the audit cases that have not been concluded. The OPA.

**Acting Chairperson D. Herrera:** Okay so for the SBA loan guarantee to assist

**Commissioner E. Garrido:** Well, there's quite a few clouds that are hanging over this application for the loan guarantee deposit and I think we need to wait for the OPA to give us a defined answer to this situation and part of the problems that are occurring is may be ratified by

the legislature and the resolution that we have before them so I would suggest that we table this until further feedback from the AG and from the legislature.

**Commissioner A. Bordallo:** Second that

**Acting Chairperson D. Herrera:** Okay, no objection so take the vote we have your vote.

**Attorney N. Miller (OAG):** We have a motion and a second, now waiting on the vote.

**Acting Chairperson D. Herrera:** Okay so motion carries?

**Attorney N. Miller (OAG):** You have to call for a vote.

**Acting Chairperson D. Herrera:** Okay motion carries. Can she continue being at the home until this is resolved?

**Acting AD J. Burch:** Oh yes, there are progress made you know no action should be taken no add no movement on everything remains as is until we get the decision from the AG and wait for the action of legislature and of course the bill if approved by the legislature will go to the governor for her signature and approval. You know that the OPA audit or one that hopefully continue to clarify the request for change of application type.

**Anita Cruz:** I did request for residential to agriculture and this was dated July 28, 2016 this is before the lease was actually signed by the transfer and it was notarized.

**Acting AD J. Burch:** I'm going to admit that there was issues made by the CHamoru Land Trust in the past and of course we are obligated to correct all those to be remaining compliant with the law process is ongoing right now at the legislature to fix the law and that's what we're going to wait for in some of these cases is that the speaker has moved forward on some of these issues and of course we're going to talk to her about the other issues too like the two acres versus the half-acre issue that was brought for you and with you right now. I realize that decisions were made here in the past over 20, 30 years whatever since your brother had that property that was transferred to and many times the law was ignored during that period of time and I have to admit that transferring property it seems odd that the law would allow me to transfer property to my sister-in-law but not to my brother. It's those things have to be fixed the order of succession and they've come to agree with us that those are errors that we have to work out so hopefully we can clear all of that up so don't worry we're working on it we're trying to fix it I hope we can get it before your SBA term runs out like we said to the two people earlier it just sad these things have occurred over the years and nobody paying any attention to it but now that we've had an order from the Attorney General to look at this and that's what I noted in my letter was the most recent legal opinion and I asked for more clarification further clarification on that because we're faced with this and I the next person comes up is going to have the same issue I'm sorry to say we're doing our best I give a lot of compliment to the board here for we're sitting through this.

**Anita Cruz:** Thank you so much

**Acting Chairperson D. Herrera:** I thank the director because we really have to request the legislature to start here a recall in this room, we were signing five loan guarantees and we asked

the speaker to give us that assistance and we had the bill we have a public hearing so hopefully by this session that it will be approved and then that would be a result.

**Acting AD J. Burch:** The speaker actually came in and sat with us during one of the segments, she realized what was going on she's taking this to the heart so hopefully we can get all these issues cleared up we just have to make sure that if you have you know a lot of this has to do with how the law is written. We'll let you know where we find these defects with the law that not just us we go down there as administrators or board members it also needs to be people that are affected that need to talk to our legislatures so that they can fix these issues I mean some of them are real obvious the ones I like to use are the brother and sister I can't transfer use a successor but I could give it to my in-laws to their husbands or their wives, it seems kind of off there so as we find these issues we'll do our best to fix them so hopefully you know we will get that done in time for you. We're pushing it and I understand part of that is on the agenda of the legislature. I'm glad for that, sorry the board just can't say yes tonight.

**Anita Cruz:** Alright, thank you so much for your time.

**Acting Chairperson D. Herrera:** Next item, Bernice Tudela Nelson.

**Acting AD J. Burch:** The staff report I have is a little lengthy. We have Ms. Nelson here tonight. The land agents from the CHamoru Land Trust Commission and I used also used the land agents from the Guam Ancestral Lands Commission to try to look back and find any way that to find out if Ms. Nelson qualified for property and as far as the land agents are have found nothing. They weren't able to verify any evidence to verify Mrs. Nelson's residency as required by law however there are other factors to consider her case not just that alone according to a 1999 letter from the Micronesian Area Research Center that's MARC at the University of Guam, they provided in her file a document that they believe should be sufficient to verify Mrs. Nelson's claim for residency according to their assessment combined with that the land agents who have conducted extensive work on both ends verifying genealogy and land related matters I believe should be taken into consideration and while the MARC report may not be conclusive it presents evidence that could potentially qualify Mrs. Nelson for the CLTC lease given the complexity and unique circumstances surrounding the verification of residency from 1898-1968 it's important to approach this case and others like it with fairness and willingness to consider all available information and therefore you know given the complexity right of the surrounding issue of genealogy research and you need to accurately determine the eligibility for CLTC lessee.

It's crucial to establish a dedicated entity to assist in this regard and the Department of CHamoru Affairs they have what we call archive. Department of CHamoru Affairs has about five divisions only two are stood up while archives is kind of dormant at this time but it has a wealth of experience in preserving historical records and maintaining genial information related to the CHamoru people and they are well suited to undertake this type of responsibility and what I'm recommending is that by collaboration with the Department of CHamoru Affairs and the archive the CLTC board can establish a genealogy support division within their existing infrastructure. We don't have the staff here that can do that. Land agents are experts in land not necessary genealogy they do research and do great research and I got to tell you again that it wasn't just the CLTC staff that looked into this it was also the Ancestral Lands staff their our land agents there did the same thing and I found issues with both and that's why I say there are other factors so the proposed system that I'm proposing would involve the collaboration to establish guidelines and process for verifying geological records and determining eligibility for the CLTC leases that the Department of CHamoru Affairs the Guam archive could provide access to their

collection of historical records while experts within the department would conduct research and assist applicants in compiling the necessary documentation implementing this type of support system would ensure a fair and transparent process for all applicants and as clear criteria and guidelines for qualifications could be established such a system would enhance the accuracy and efficiency of the lease qualification process similar to the role of the US Bureau of Indian Affairs the Bia and tribal enrollment uh additionally this collaborative effort aligns with the Department of CHamoru Affairs archives the mission of preserving CHamoru Heritage and would serve as a valuable resource for the community so I request that CLTC board uh consider this proposal and then initiate discussions with the Department of CHamoru Affairs uh archive to explore the feasibility of establishing a genealogy support division by taking this step the CLTC can significantly contribute to ensuring that the CTC lease qualification process is thorough fair and consistent for all uh that's a proposal for you so it's a bit it's a bit complex uh I know uh Mrs. Nelson has said that she's been a Guam we found some records we didn't find enough to say that the key part I mean was she here during the time of the organic act when the Organic Act naturalized people who were us Nationals, she was not naturalized underneath under the Organic Act she was naturalized later through marriage in 1975. The Organic Act in 1950 so if we look at that in specific, she doesn't qualify but then here comes a mark library that has their documentation and well they're not again they do work at genealogy but they don't I don't know if they are experts in that Fielding but neither are we our expertise is with the land but our language is asked to go back and check into these things uh the correct and I've done my research uh with the advice of Attorney Miller he said experience with the Bureau of Indian Affairs he knows the processes that they go through and he advises me to look at these things and I started I talked with u uh Melvin Borja and he agreed he says yes uh they should be the ones the problem they have is that the archive is dormant so he's going to need our help to support him in getting it activated and a way that collaboration would help us have someone like Attorney Miller says gives you a c says you are a bonified uh tomorrow you are this and that just like uh he said that people uh like your federal government gives to Veterans nobody questions a veterans so they come up and show you their ID card saying they're a veteran that will get you through the door and we could do this and that would streamline us process here so that every time we have an issue like this our land agents do not have to go all the way back to what we call the first books to determine this in this case going back to and Beyond to determine are you tomorrow or not are you tomorrow of Romanian ancestry right or Guamanian of CHamoru ancestors of Saipan be honest your old people in Saipan all the choral originally came from it just determined by the timeline because of the organ since that timeline and the law sets a time a timeline so commissioners your decision of course that is also part of my letter for legal opinion to the attorney general uh he would give us hopefully some clarification on that but on the side I think we should start working with the uh the Department of CHamoru Affairs that is DCA uh and see if we can get this moving with them I already made contact with uh Mr. Borja and he agree it something that he'd be more than happy to work together with us, he feels this is an area that we're lacking.

**Acting Chairperson D. Herrera:** On the timeline based on Mrs. Nelson I mean Mrs. Nelson's documentation for the first chapter 75A where does she stand?

**Acting AD J. Burch:** Based on both Ancestral Lands and CHamoru Land Trust the answer is we can't find any evidence to qualify then now we go to chapter 75A. It'll be the same thing we don't find any evidence to qualify is the letter from the mark and the letter from the mark would be to qualify her on it certifies her but it doesn't give me a period that she was naturalized from or something...

**Bernice Nelson:** I was here on 1948...

**Acting Chairperson D. Herrera:** Understand but the naturalization was the key documentation that makes that determination between 1950 and...

**Acting AD J. Burch:** That's where our expertise is lacking to determine that and that's why I approach the CHamoru Affairs to ask them for their expertise.

**Commissioner E. Garrido:** What actually did the MARC document state?

**Acting AD J. Burch:** Jhoana, do we have that? Or Dexter?

**Jhoana Casem (CLTC):** The MARC research only gives you the names of your ancestors so it's determined that with...

**Acting AD J. Burch:** Do you have a copy of that?

**Commissioner E. Garrido:** 1898 to 1950?

**Acting AD J. Burch:** Yes.

**Jhoana Casem (CLTC):** When MARC does their genealogy research they go as far back as they can so it's not...

**Acting AD J. Burch:** I have a copy...

**Acting Chairperson D. Herrera:** So, that's for Mrs. Nelson?

**Jhoana Casem (CLTC):** Unfortunately based on the research that...

**Acting Chairperson D. Herrera:** Based on the Organic Act.

**Jhoana Casem (CLTC):** Based on the report that was concluded by the land agent, she doesn't qualify under 75 or 75A.

**Acting AD J. Burch:** But, for some reason the board back when she got her lease from CHamoru Land Trust, said it was sufficient.

**Acting Chairperson D. Herrera:** Understand.

**Acting AD J. Burch:** So, there's the area of clarity.

**Acting Chairperson D. Herrera:** That what was the evidence that they had at that time that qualified so you know.

**Acting AD J. Burch:** Dexter is making, yeah. I can't say what is the problem, all I have is the copies that Dexter is making right now but the decision be yours of course again that's included in the letter I asked the AG for his opinion. Anything I asked for an opinion, I would say wait until

we get the results. But the final decision is yours I did find looking through it and talking with **Attorney N. Miller (OAG)** about how they operate with the Bureau of Indian Affairs, I decided to go through and I talked to Borja and says area that should be within their area of expertise.

**Commissioner A. Bordallo:** Yeah, Mrs. Nelson, you attended school here, if I mention you went to Santa Barbara school?

**Bernice Nelson:** San Vicente.

**Commissioner A. Bordallo:** San Vicente? What year was that?

**Bernice Nelson:** 1960

**Commissioner A. Bordallo:** 1960?

**Bernice Nelson:** I was here before the typhoon. I was also here 1948 and already old enough like 1951.

**Commissioner A. Bordallo:** You mentioned in one of our last meetings that your family, Tudela. Is that your grandfather or?

**Bernice Nelson:** My grandfather, my great grandfather is Francisco Ramirez Tudela.

**Commissioner A. Bordallo:** I see that Mr...

**Bernice Nelson:** I gave that guy my ancestor up to fifth generation from here.

**Commissioner A. Bordallo:** You mentioned your grandfather or your great grandfather owning property.

**Bernice Nelson:** My grandpa Francisco that's why my grand, my dad said that my grandfather owns a property in Santa Rita.

**Toni Sablan:** If I may also say something. The Tudela family also owns Andersen Air Force Base. I would like to explain that I personally, my mom is from Guam and my dad is from Saipan, born in Saipan and by derivative I became a US citizen when I was born because my mom was an American citizen but when I came to Guam again I was processed and was made American citizen for the second time in my life so if anybody's more American I think I am because I've been American citizen twice but I think her situation.

**Jhoana Casem (CLTC):** I'm sorry, can you state your name?

**Antonio Sablan:** Antonio Sablan.

**Acting Chairperson D. Herrera:** So, your...

**Commissioner E. Garrido:** Great grandfather

**Acting Chairperson D. Herrera:** Is Francisco?



**Bernice Nelson:** My great grandfather is Joaquin Sablan Tudela and my great, great grandfather is Francisco Ramirez Tudela.

**Antonio Sablan:** I am also a Tudela. Our roots is Guam not Saipan. There's plenty population in Saipan of Tudela but we are all originally from Guam.

**Acting Chairperson D. Herrera:** So, that being said director based on Attorney Miller on that language right would that satisfy the definition on chapter 75A or public law 12-226 makes that specific definition and chapter 75A also clarifies that definition as well as the Organic Act of 1950 so based on those reference statute where does that stand again, I'm asking out of ignorance.

**Attorney N. Miller (OAG):** Mr. Chairman, members it ultimately it is your decision the law establishes criteria, the law sort of draws lines and says everybody on this side of the line is yes, everybody on that side of the line is no but the law doesn't establish the process or set out the requirements for how any one particular person proves which side of the line they were on. Like everything that comes in front of the commission, the staff puts together recommendations, provides you information based on their expertise and their resources that are available to them at the same time you hear from your constituents who add to the conversation but you know ultimately the decision whether somebody qualifies is up to you all and then based on your decision just to carry my advice to sort off it's logical conclusion if you say no they don't qualify you run the risk that they sue you and you get in front of a judge and at it's really the judge who ultimately who has the ultimate authority or if you say yes they do qualify, well you run some risk that sort of somebody else were to sue you and say you made a wrong decision but you know the risk that you're going to get sued is relatively small so you know my advice to you is you've heard the information the best information staff has available you've heard the information from your constituent ultimately it's your choice.

**Acting Chairperson D. Herrera:** Good point, we got sued 1997 Civil Case 17113 and I'm not sure have you brief our attorney on that? Look please do and we did we were sued and it's good thank you for that so and that was just based on this kind of scenario and that's what changed chapter 75 to chapter 75A because it in the beginning it was alleged to be racially based just to be clear for everybody that's listening the program is not racially based it's based on the condemnation of the property it's not based on bloodline or if you have a quarter blood Indian or quarter blood Spanish, it's based on the condemnation proceedings of from the federal to the local population that's what changed so now we have pass that vetting qualification criteria of qualified based on the US citizenship it's not where we passed that based on the public law 35-112 so if I can hear from the Commissioners if they have anything to say because we're at that category now because they in the property now and was recorded by the court at that time that was condemned that's.

**Commissioner E. Garrido:** Bernice, in your last appearance here with the board back in January you mentioned that your family had land in Andersen, if you recall I asked you if you could produce a deed that validates that frame CLAIM

**Bernice Nelson:** That's what we're going to do.

**Commissioner E. Garrido:** So, you're still working on it?

**Bernice Nelson:** Still working on that. But we also have a land in Santa Rita.

**Commissioner E. Garrido:** Whichever you can come up with, first that validates your lineage to having property that was condemned by the federal government or the local government that would make life very easy for you.

**Bernice Nelson:** So, in the meantime I just stay there and...

**Commissioner E. Garrido:** As I told you in last month's meeting, I'm not going to chase you out of the property until we make a decision. The decision can go one of two ways but me personally I'm not looking to evict you but you have to meet the status for qualifying okay.

**Bernice Nelson:** So, if I get evicted in like two years from now.

**Commissioner E. Garrido:** If you find the copy of the deed, that secures your position.

**Acting AD J. Burch:** Commissioner, also it's not just if your land was condemned but if you were denied use of the property you may not have owned it but you just use it for your livelihood that's another part of the law.

**Commissioner E. Garrido:** No, but I'm just going based on what she told us in our last in her last meeting that they had land in Andersen Air Force Base so you can provide a deed that shows that you had land in there that makes your claim strong.

**Acting AD J. Burch:** Another thing I guess could be some kind of affidavit where she signs that I guess that she's telling everything and the truth and all that if not I forget what the affidavit would be but some affidavit attesting that this to be true then if it found that more then of course you be help for that.

**Attorney N. Miller (OAG):** Mr. Chairman, members, as I mean the director is pointing out as he talked about in this particular case ultimately, it's your decision whether applicants qualify for the various programs that you all manage and it's also your decision what kind of proof you're going to need. You're going to want to see in order to evaluate these claims you know we can all have the discretion to direct staff to don't even bring a claim forward without this document and this document and this document or you can direct staff to you know bring that people come forward with and you'll evaluate them as you wish but I think in this case the commissioner made an excellent point that the deed. My expectations will resolve your eligibility for all the commissioners but short of a deed you're putting them in a difficult spot to just take your word for what your ancestors were up to fifty years ago.

**Bernice Nelson:** I've been there forty years so why now that I put so much it's a farm and it's not. It's a medicinal farm.

**Commissioner E. Garrido:** You're in this situation because you applied for an SBA loan. That's what caused the investigation to be instigated.

**Bernice Nelson:** Since the beginning, they have approved everything since 2011...

**Commissioner E. Garrido:** I can't answer for what happened in the past, but I don't want to commit the same errors going forward.

**Commissioner A. Bordallo:** Well, there's another option actually, if you're running a business you can apply for a business a commercial property.

**Bernice Nelson:** But I don't sell my product I mean I don't sell the plant I just give it to whoever illness.

**Ariel (friend of Bernice Nelson):** I'm a friend of the family and something I want to she runs a nonprofit at Amot Farm, it's a herbal botanical garden she goes around to the school she's in the community farmer she does all of this free of charge she doesn't charge anybody to come in she hires the people she paid for he arrogation, she paid for the plants she's did this over a period of time so with that it's now because of this she has to suffer in being challenged of her heritage it's been proven every time she's asked come forth and give information from the beginning you're for that mistake because that's unfair to her and her family going forth because she still commodity in the community still working in the community free of charge she's not getting paid this is nonprofit, you don't get paid she's out there every morning at 6:30 doing bush cutting she's 75 years old doing that she's working the land she's paying other people with what amount of money she gets she's not getting any like people pay like you go to the zoo here you pay. If you want to get lessons you pay she doesn't charge she goes to the school for free and teach them about their culture the things that's what she's doing she's making sure you maintain your CHamoru culture so you understand what CHamoru is and what CHamoru medicine is and how valuable is to one she you that is a bigger asset that needs to be asked if you're going to put this down where are they going to go to learn about CHamoru medicine the CHamoru culture what to do that's a bigger thing you're saying let's pass it off, she's a big asset what are you going to do to compensate her if she has to move and her family uproot that's all they know as pass this land from there and there I'm sorry that I'm boring you, commissioner, I'm just compassionate about having something and losing something in this and this is why I came to one for something like this to be part of something like this because I find Guam so special and the people so valuable I yield to the floor I'm done.

**Antonio Sablan:** Ms. Bordallo, big honor goes to Paul Bordallo your husband and also this is pass to the CHamoru Land Trust also it finally got implemented to the effort of Angel Santos was I stand here or sit here in front of you, I am now currently the maga lahi of the Nasion CHamoru so, I support what Mrs. Nelson is doing and I believe that you know within its gray area I ask you to really consider her because what like what has mentioned that she's a big asset to our community I have personally before even knowing here went up to her farm and I look for some herbal medical for cure of French aliment and then had the opportunity to meet her mom and herself and we say hey, wait a minute we leave again speaking as tomorrow I would highly support her if it's in the great area so please consider that.

**Acting Chairperson D. Herrera:** I wanted to tie in with what Mrs. Nelson is operating now and on chapter 75A 108 it does establish that cottage industry and of course it includes you know practicing number five that's what our sister was saying here so this is another option aside from residential could be under commercial, this is just a recommendation it's not that we were bored as you were speaking but I was referring to the statute so I'm probably Director Burch can vouch what I'm saying that way back then thirty years old since was that Senator Paul Bordallo, we gathered to compose how do we want the CHamoru Land Trust to be to process to envision the

future so this is part of it to enhance the agriculture and residential operation of the again chapter 75 directed for your reference it's another option that we have to get into that category what is Surahanu and Surahana and alternative medicine.

**Acting AD J. Burch:** Again, this is something that CHamoru Affairs would to handle and to make you like card you want to call it that outside of our area of expertise and that's why like Attorney Miller and I said earlier there isa gray area and the board is the one that makes the decision you're the ones that will clarify that.

**Acting Chairperson D. Herrera:** So, I guess the legal question here is that do you have to qualify under 75 or 75A to get into chapter 751081 and you know we can clarify that and maybe we can have additional research from the Attorney General to give us for you to do a cottage industry. Do you need to be qualified based on the two statute that I mean we're operating the drag strip and the raceway and the tomato farm without a qualification maybe this is where we can apply. Working progress until we finalize all the legal questions that we're bringing up here is there any other comments from the commission?

**Commissioner E. Garrido:** Bernice, from me my recommendation to you is if you can find a deed that shows your father or your grandfather had property that was condemned by the federal or local government or you're making a case for being denied use of the property which is an extreme for the other side of that thing but if you could dig up a deed that specified that you had property in the base or in conjunction go to CHamoru Affairs and have them provide records for you maybe you could go to the...

**Acting AD J. Burch:** Maybe you could go to the Department of CHamoru Affairs, they are located in Adelup, in the breezeway when you drive through in the bottom you don't have to climb up the stairs or way the very bottom if he could give you something that says I mean you're providing local herbal medicine like a Surahana would provide maybe you can give you a card say you're Surahana according to the chairman, according to 75A that may fall upon you is that what you're referring to in that criteria what I mean we need to go through the process of because that's outside of our area of expertise and that's why I said the decision is a gray area as far as I'm concerned and also Attorney Miller we're saying that you know it's not entirely clear which way this will go that's why we saying the decision is on the board to make that clarification but if you want further information and of course we can do that and I guess if could declare you as a local bonafide Surahana, I don't know what the rules.

**Commissioner A. Bordallo:** But she's been practicing for years she said forty years and what more?

**Acting AD J. Burch:** I know I had my uncle my father there were Surahanus and they didn't have to have a card everybody knew it but, in this case, you're asked she's been growing these products for years growing and actually. I mean to how to prove that there's nowhere in Guam to get a medical certificate for being a Surahana.

**Commissioner E. Garrido:** Meanwhile though we still waiting on the AG to give us a definitive answer. He's looking at your case also I move that we put this on hold until further notice and then we do more research into Surahana more that's another option so you've heard Burch right Department of CHamoru Affairs he's down at Adelup at the lowest level down there.

**Acting AD J. Burch:** Tony, you know where that's at too so speak to him and see what we can do and maybe as Maga Lahi of CHamoru Nasion you can also help out with that.

**Bernice Nelson:** I got a lot of students get from school form going to their school and got stack up and...

**Acting AD J. Burch:** I'm aware that Ameri Corp from UOG comes over to your farm

**Bernice Nelson:** Even from Japan, the kids and Korea and lots of doctors from the Philippines come over it's everybody knows the Amot Farm.

**Acting AD J. Burch:** Yes, and I have to admit that a lot of the local medicine works I'm aware of that

**Commissioner E. Garrido:** There's a motion on the table.

**Acting Chairperson D. Herrera:** Do we have a motion?

**Commissioner E. Garrido:** I made a motion already.

**Commissioner A. Bordallo:** Second

**Acting Chairperson D. Herrera:** Motion carries.

**Commissioner A. Bordallo:** The Artero's sold the land to the Tudela's?

**Antonio Sablan:** Well, there's some complications from that just we need to check the records but I know when I was searching for abstract of title, the Tudela names are there as owners of Andersen.

**Commissioner A. Bordallo:** So, bring that.

**Antonio Sablan:** Oh boy, you want to come to my house and help me search my records. Of course, I have to do that research this lady has been a big help. I'll definitely take the time to help her out.

**Commissioner E. Garrido:** You can go to an escrow company and ask for an abstract and they'll tell you who owns the property.

**Acting AD J. Burch:** Commissioners, also the time, Jhoana is the one taking the summary of motions and all she has leave right now also Attorney Miller.

**Acting Chairperson D. Herrera:** I have to apologize to everyone here...

**Acting AD J. Burch:** Recess and then you set a restart date. Maybe Thursday or Friday of next week.

**Acting Chairperson D. Herrera:** The open Government law requires us five working days from Thursday.

**Acting AD J. Burch:** Monday a holiday?

**Commissioner E. Garrido:** Attorney Miller we will give you a break this time.

**Acting Chairperson D. Herrera:** I have to apologize to everybody here took their time

**Acting AD J. Burch:** I am under staffed and...

**Acting Chairperson D. Herrera:** Understood. So, need to make a motion to go and recess.

**Commissioner A. Bordallo:** Yes, to go on recess.

**Acting AD J. Burch:** Yeah, motion to recess.

**Acting Chairperson D. Herrera:** Do we have to take a vote or...

**Commissioner A. Bordallo:** Yes. Say the day or not?

**Attorney N. Miller (OAG):** Yes, recess until whenever you want to get together again

**Acting Chairperson D. Herrera:** So, five days is the required. If it's a holiday, not to count the holiday.

**Acting AD J. Burch:** Until February 23<sup>rd</sup>... February 23<sup>rd</sup> one o'clock.

**Acting Chairperson D. Herrera:** No, we are going to start at nine I'm serious.

**Unknown Speaker:** I got a question about the agenda, but I was told to come here for approval from guys for me to get a surveyor because.

**Acting AD J. Burch:** Are you on the agenda?

**Unknown Speaker:** No, but I've been sitting her already for almost...

**Acting Chairperson D. Herrera:** Who told you to come for the?

**Unknown Speaker:** Jessica and the acting director, whoever he was.

**Acting AD J. Burch:** I'm the acting director and I don't remember speaking to you.

**Unknown Speaker:** I don't know who that other guy that was here.

**Commissioner E. Garrido:** What another guy?

**Attorney N. Miller (OAG):** Mr. Chairman we could vote on the motion

**Unknown Speaker:** I just need that document because my paper, because my paper, they surveyed the place already but it's insufficient because it wasn't record the person passed away.

**Acting AD J. Burch:** There's a motion on the floor.

**Acting Chairperson D. Herrera:** All those in favor, say aye!

**Commissioners:** Aye!

**Acting Chairperson D. Herrera:** Motion carries

**Attorney N. Miller (OAG):** Now you need to motion a date.

**Acting Chairperson D. Herrera:** What's the closest date?

**Dexter Tan (CLTC):** The 23<sup>rd</sup>, what date you want me.

**Acting Chairperson D. Herrera:** Do we have a five-day notice?

**Dexter Tan (CLTC):** No, we don't have to.

**Acting Chairperson D. Herrera:** Monday is a holiday right

**Dexter Tan (CLTC):** Yes sir.

**Acting Chairperson D. Herrera:** We can do it on a Tuesday.

**Acting AD J. Burch:** A part of this is where we're going to go through this thing from GICC.

**Acting Chairperson D. Herrera:** So, maybe Thursday?

**Attorney N. Miller (OAG):** Next week Thursday, maybe a week from today at 9 am

**Acting AD J. Burch:** Give us time to work on that table until later and give us time to go through that and get that information so we can vote on that one too.

**Acting Chairperson D. Herrera:** So, Thursday nine o'clock come back. Is there a motion for Thursday?

**Commissioner A. Bordallo:** Second.

**Commissioner E. Garrido:** Second.

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

Chairperson Arlene P. Bordallo: *Arlene Bordallo* Date 8-19-24

Concurred by: *JBC* Date 8/19/2024  
Acting Administrative Director  
Joseph B. Cruz