



CHamoru Land Trust Commission
Regular Board Meeting
October 17, 2024



Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

Arlene P. Bordallo
Chairperson

David B. Herrera
Commissioner

Earl J. Garrido
Commissioner

Jeffrey John P. Ibanez
Commissioner

(Vacant)
Commissioner

Joseph B. Cruz Jr.
Acting Administrative Director

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

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 671- 300-3296 Fax: 671-300-3319

CHamoru Land Trust Commission Regular Board Meeting **Thursday, October 17, 2024 at 1:00PM**

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

AGENDA

- I. Call to Order – Certification of a Quorum Present
- II. Certification – Public Notice Requirements
 - a. Guam Daily Post (10/10/2024 and 10/15/2024)
 - b. Guam Public Notice Website (<https://notices.guam.gov>)
 - c. CLTC Facebook Page
- III. Approval of Minutes June 13, 2024 (Regular Board Meeting)
June 20, 2024 (Regular Board Meeting)
- IV. Administrative Director's Report
- V. Old Business
 - a. MedPharm Update
 - b. Bill 179-37
 - c. Lot 7161-R1, Public Law 35-125
- VI. New Business
 - a. Northern Guam Feral Pig Control Project with Dededo Mayor's Office and Camp Blaz
 - b. Approval of CLTC new logo
 - c. Transcript of Meeting minutes
 - d. Access for Removal of GPA Transformer
 - e. Tract 10123 Affordable Housing
 - f. Lot No. 5174-REM-1, Tamuning Lease: Nicole Kelly
- VII. Constituents
 - a. Antonio Castro Camacho
- VIII. Public Comment (s)
- IX. Next Meeting – Thursday, November 21, 2024 at 1:00 PM
CLTC Conference Room, Suite 223, 2nd Floor
ITC Building, Tamuning, Guam 96913
- X. Adjournment

AVAILABLE JOBS FOR ELIGIBLE U.S. WORKERS**12 - ELECTRICIAN WITH 2 YEAR EXP.*****\$21.02 PER HOUR**

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***Special wage rate:** Work to be performed on DPRI-funded projects and projects covered by Davis Bacon, Service Contracts Act, and/or Executive Order 14206 will be paid no less than the indicated wage rate but may be paid more where special rates apply.

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414 W. Soledad Avenue, Suite 300 GCIC Building, Hagatna, Guam
Or apply online at www.hireguam.com; Enter Keyword: 2025-001

**GUAM ELECTION COMMISSION**

Kumision Eleksion Guahan

Thursday, October 17, 2024, at 6:30 p.m.

Guam Election Commission Regular Meeting

Westin Resort Guam, Mezzanine Level, Tamuning, GU

For meeting livestream, visit GEC's website at <https://gec.guam.gov/board>**AGENDA**

- I. Call to Order - Certification of a Quorum Present
- II. Certification - Public Notice Requirements - Guam Daily Post and Guam Public Notice Website (10/10/2024 & 10/14/2024)
- III. Approval of Agenda
- IV. Approval of Minutes
 - a. September 19, 2024 Regular Meeting
- V. Executive Director's Report
 - a. 2024 Elections
 - i. Timeline
 1. Early Voting - 2024 General Election
 - ii. Polling Sites
 - b. Absentee Voting
 - c. Precinct Officials
 - i. Approval of 2024 General Election Precinct Officials
 - d. District Registrars
 - i. Approval of District Voter Registrars
 - e. Monthly Voter by Precinct Report
 - f. Online/Motor Voter Registration and Pre-Registration
 - g. Monthly Financial Report/U.S. Election Assistance Commission Grant
 - h. Office of the Inspector General - U.S. Election Assistance Commission Audit
 - i. Election Campaign Contributions and Expenditures Report Filings
- VI. Old Business
 - a. Campaign Finance Committee
 - b. Modernizing Election Process
 - c. Executive Director Performance Evaluation
- VII. Executive Session
 - a. Executive Director Performance Evaluation
- VIII. New Business
 - a. P.L. 37-125: AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2025, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.
- IX. Legal Counsel
 - a. Guam Society of Obstetricians and Gynecologists, Guam Nurses Association, et al. v. Douglas B. Moylan, et al.
- X. Public Comment
- XI. Next Meeting
- XII. Adjournment

For individuals requiring special accommodations, auxiliary aids, or services, please contact Christiana Ramirez at (671) 477-9791 or send an email to vote@gec.guam.gov.
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LOURDES A. LEON GUERRERO
Honorable Governor
Maga'haga



JOSHUA F. TENORIO
Honorable Lt. Governor
Siguenso Maga'hagi

**PUBLIC NOTICE
Statement of Insurance**

The A.B. Won Pat Int'l. Airport Authority, Guam (GIAA), an autonomous agency of the Government of Guam, pursuant to Public Law 13-57, Section 62012(e), hereby announces that it has obtained insurance coverage for the period October 1, 2024 through September 30, 2025 for the following categories:

**AIRPORT PROPERTY
AIRPORT OPERATORS LIABILITY
WORKERS COMPENSATION**

**AUTOMOBILE
CRIME INSURANCE
DIRECTORS & OFFICERS LIABILITY**

Claims against any insurance policy obtained by GIAA shall be made in compliance with the requirements set forth in the Government Claims Act. Should there be any questions regarding this notice, please contact our Administration Office at (671) 646-0300.

JOHN "JO" M. QUINATA
Executive Manager

ARTEMIO "RICKY" HERNANDEZ, Ph.D.
Deputy Executive Manager

AD PAID FOR BY: ATURIDAD PUERTON
BATKON AIREN ENTENASIONAT GUAHAN

P.O. Box 8770 Tamuning, GU 96931
Tel: (671) 646-0300 Fax: (671) 646-9823

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

P.O. Box 2950 Hagatna, Guahan 96932

Phone: 671-300-3296

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PUBLIC DEFENDER SERVICE CORPORATION (Kotperasion Setbision Defensot Pubbleku)

GOVERNMENT OF GUAM

779 Route 4 Sinajana, Guam 96910-5174
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NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct its regular meeting on **Tuesday, October 22, 2024 at 12:30 p.m.** via videoconference (Zoom) in the PDSC conference room, located at the MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910.

The meeting will be streamed live on YouTube: <https://www.youtube.com/@pdscguam>.
The following agenda is available on the PDSC website at www.guampdsc.org.

AGENDA

- I. Call to Order
- II. Roll Call
- III. Determination of Quorum
- IV. Proof of Due Notice of Meeting:
 - A. Notice: 5 Working Days, Public Notices Portal/PDSC/Guam Post
 - B. Notice: 48 Hours, Public Notices Portal/PDSC/Guam Post
- V. Approval of Minutes:
 - A. Notice: 5 Working Days, Public Notices Portal/PDSC/Guam Post
 - B. Notice: 48 Hours, Public Notices Portal/PDSC/Guam Post
- VI. Old Business
 - A. Financial Status Update / Allotment Releases (PDSC, APD, CLC)
 - B. Report from PDSC Executive Director (EXHIBIT A)
 - C. Report from APD Managing Attorney (EXHIBIT B)
 - D. Report from CLC Managing Attorney (EXHIBIT C)
 - E. Executive Director Compensation & Classification (EXHIBIT D)
 - F. Sixth Amendment Center Projects
- VII. New Business
 - A. Executive Director Performance Historic Summary
 - B. APD Managing Attorney Performance Historic Summary
 - C. PDSC Donated Leave Bank Policy
 - D. Survey Monkey Results for the Executive Director & Managing Attorney Evaluations
 - E. Open Government Law and Board of Trustees Executive Session Memo
- VIII. Executive Session
 - A. Executive Director Performance Evaluation (EXHIBIT E)
 - B. APD Managing Attorney Performance Evaluation
 - C. Complaints/Grievances Discussion and Response
- IX. Public Discussion
- X. Adjournment and Next Meeting Date: **Tuesday, November 26, 2024 at 12:30 p.m. via Zoom/YouTube / PDSC Conference Room**

Copies of the agenda and meeting packet will be available prior to the meeting at Public Defender Service Corporation and on its website at www.guampdsc.org.

Closed captioning available on livestream.

Person(s) needing special accommodations, auxiliary aids, or services, please contact
Robbie T. Call at 671-475-8301 or rccall@guampdsc.org

This ad was paid for with Government of Guam funds.

CHIEF JUSTICE ROBERT J. TORRES
Chairman

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2- HEAVY EQUIPMENT MECHANIC w/1 yr. exp. \$21.77 PER HR.

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Successful applicants must be able to obtain military base access.

Benefits: Roundtrip airfare for off-island hire; board & lodging at \$80.00 per week; local transportation from employer's designated lodging facility to/from jobsite.

The job offer meets all EEO requirements, and initiates a temporary placement. The recruitment associated with this job offer is closely monitored by the Department of Labor. Qualified, available and willing U.S. workers are highly encouraged to apply. Should you qualify for the job and are not hired, you may appeal with the Department of Labor who will independently review the matter.

Apply in person at American Job Center

414 W. Soledad Avenue, Suite 300 GCIC Building, Hagatna, Guam
Or apply online at www.hireguam.com; Enter Keyword : 2025-002



Louise A. Leon Guerrero
Governor of Guam

GHURA

Guam Housing and Urban Renewal Authority

Aturidat Gintima' Yan Rinneban Siadat Guahan

117 Bien Venida Avenue, Sinajana, GU 96910

Phone: (671) 477-9851 • Fax: (671) 300-7565 • TTY: (671) 472-3701

Website: www.ghura.org



Joshua F. Tenorio
Lieutenant Governor of Guam

NOTICE TO THE PUBLIC 2024 LIHTC QAP and Application

This ad is paid for by GHURA funds.

The Guam Housing and Urban Renewal Authority's (GHURA's) 2024 Low Income Housing Tax Credit (LIHTC) Program Qualified Allocation Plan (QAP) and Application are now available. The QAP describes the basis that GHURA will use to allocate LIHTC Program credits. A total of \$6,545,000 (\$3,185,000 issued on October 18, 2022 under Rev. Proc. 2022-38 for CY2023 allocation and \$3,360,000 issued on November, 2023 under Rev. Proc. 2023-34 for CY2024 allocation) for the 2024 LIHTC QAP Application cycle.

GHURA is the recognized state housing credit agency authorized to allocate LIHTC Program credits in Guam. The United States 1986 Tax Reform Act created the federal low-income housing tax credit under Section 42 of the Internal Revenue code (the Code). The LIHTC program assists in the development of low-income rental housing by providing qualified owners with tax credits to offset their federal tax obligations. LIHTC Program credits are available to owners of qualifying buildings and projects that meet certain low-income occupancy rent restrictions.

Section 42 of the Code provides that Guam prepare a QAP to determine housing priorities and to give preference to projects serving the lowest income tenants and projects obligated to serve qualified tenants for the longest periods. The QAP must incorporate selection criteria which include project location, housing need characteristics, sponsor characteristics, and tenant populations with special needs.

Application

Applications are available beginning Thursday, July 25, 2024 from GHURA's website at www.ghura.org. Applications are due on Friday, October 25, 2024. There is a **\$1,500.00 Application Fee** due upon submission. Applications must be submitted at **GHURA's Main Office** in Sinajana at 117 Bien Venida Avenue, Sinajana, GU 96910 by no later than **5:00 pm**.

For more information on the 2024 QAP, please contact GHURA's Chief Planner, Ms. Katherine Taitano, at 671-475-1322, via email at katherine@ghura.org, or visit our office on the 2nd floor of the GHURA Main Office located at 117 Bien Venida Avenue, Sinajana, Guam weekdays between the hours of 8am and 5pm, excluding holidays.

/s/ ELIZABETH F. NAPOLI
Executive Director

GHURA does not discriminate against persons with disabilities.
The Chief Planner has been designated as Section 504 Coordinator.
The Coordinator can be contacted at the above address and telephone numbers.


CLTC Board of Commissioner Regular Meeting


 PRINT




CLTC Board of Commissioner Regular Meeting


MEETING

 **Posted on:** 10/11/2024 06:00 AM

 **Posted by:** Charlene Mayo

 **Meeting Date:** 10/17/2024 01:00 PM


 **Department(s):** CHAMORU LAND TRUST COMMISSION (/notices?department_id=23)

 **Division(s):** (/notices?division_id=)

 **Notice Topic(s):** BOARD MEETING (/notices?topic_id=76)

 **Types of Notice:** MEETING (/notices?type_id=5)

 **For Audience(s):** PUBLIC (/notices?public=1)

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- b. Bill 179-37
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X. Adjournment



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P.O. Box 2950 Hagatña, Guahan 96932

Phone: 671-300-3296 Fax: 671-300-3319

REGULAR MEETING MINUTES

CLTC Conference Room
Suite 223, ITC Building, Tamuning, Guam
Thursday, June 13, 2024

Public Notice: *The Guam Daily Post* on June 06, 2024 and June 11, 2024

PRESENT:

Commission Members

Arlene P. Bordallo, Madam Chair
David B. Herrera, Commissioner
Earl J. Garrido, Commissioner

Management and Staff

Joseph Cruz, 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 1

Rev. 04/04/2024

Call to Order

Madam Chair A. Bordallo called to order the meeting of the June 13, 2024, Regular Board meeting at approximately 1:06 pm.

Madam Chair A. Bordallo: CHamoru Land Trust Conference Room is located at 590 S. Marine Corp Drive ITC Building, Suite 223, 2nd Floor Tamuning, Guam. Public comments may be made at cltc.admin@cltc.guam.gov. To view the meeting virtually, log on to GovGuam Live-You Tube or CLTC's Facebook page or Google Meet joining info Video call. Link <https://meet.google.com/dtb-pczi-nbk?hs=224>. This meeting is now called to order. Certification of a quorum present.

Roll Call

Madam Chair A. Bordallo: Director David Herrera

Commissioner D. Herrera: Here

Madam Chair A. Bordallo: Earl J. Garrido

Commissioner E. Garrido: Here

Madam Chair A. Bordallo: Mr. Joey Cruz

Acting Administrative Director J. Cruz: Here

Madam Chair A. Bordallo: Attorney Norman Miller, OAG

Attorney N. Miller, OAG: Present

Approval of Minutes:

Madam Chair A. Bordallo: We have approval of the minutes November 16, 2023. This is the regular meeting. We also had on November 27, 2023, the Resumption meeting. I need a motion to accept the minutes.

Commissioner D. Herrera: I motion Madam Chair. I make a motion to accept the **November 16, 2023 Regular Meeting and the November 27, 2023 Resumption Meeting.**

Commissioner E. Garrido: I second.

Madam Chair A. Bordallo: All in favor.

All: Aye

Madam Chair A. Bordallo: Approval of the minutes of the month of January 18, 2024, Regular Meeting and the January 31, 2024, Resumption Meeting. I need a motion to accept the minutes.

Commissioner D. Herrera: **Madam Chair I like to make a motion for January 18, 2024 Regular Meeting and also January 31, 2024, Resumption Meeting.**

Madam Chair A. Bordallo: Any discussion?

Commissioner E. Garrido: I second.

Madam Chair A. Bordallo: Any discussion?

Commissioner E. Garrido: No.

Madam Chair A. Bordallo: All in favor say Aye.

All: Aye

Madam Chair A. Bordallo: Minutes approved.

Madam Chair A. Bordallo: I would like to.... On the agenda, I would like to go to number four-New Business... I mean number six in business. Appointment of Commissioner Arlene P. Bordallo as Chairperson of the CHamoru Land Trust Commission.

Commissioner D. Herrera: Okay I would like to make a motion to approve number four new business a., appointment of Commissioner of Commissioner Arlene Bordallo as Chairperson of the CHamoru Land Trust Commission.

Madam Chair A. Bordallo: I'm sorry that's the agenda number five... six

Commissioner D. Herrera: I see, okay number correction, agenda number six on new business. I would like to make a motion to approve item a., appointment of Arlene P Bordallo as the Chairperson of the CHamoru Land Trust Commission.

Madam Chair A. Bordallo: Any questions? Comments?

Commissioner E. Garrido: No questions. I second the motion to approve the appointment of Commissioner Arlene P. Bordallo as Chairperson for the CHamoru Land Trust.

Madam Chair A. Bordallo: All in favor say Aye.

All: Aye

Madam Chair A. Bordallo: Motion carried.

Madam Chair A. Bordallo: Going back now to the four which is uh the Administrator's Report.

Administrator Director's Report:

Acting AD J. Cruz: Good afternoon, Madam Chair, Commissioner Garrido and Commissioner Herrera. Thank you for allowing us to take this opportunity to provide the Administrative Director's Report. The first item that we would like to report to the commission is to remind the commission of issues that surround the current Leases. Those issues are:

- The switch of application type
- The payment of an application made after 30 days
- The succession of the lease by an ineligible successor
- The issuance of the lease prior to the applicant date and time
- The switch of application date and time
- The transfer of application rights by living applicant.

Items 5 and 6 already have been reviewed and have been determined by...in 2018 by former AG Elizabeth Barrett-Anderson that those leases are more avoided. Number 7- Award of an Agriculture Lease without Legislative approval. Number 8- Issuance of a Lease on unregistered property. Number 9- Issuance of a Lease to an applicant with an existing lease awarded by a Government by another Government Agency. Number 10- Issuance of a Lease on GLC property. Number 11- Issuance of a Lease on private property, and number 12- Leases that were administratively issued but not approved by the Board. We would like to remind the commission that many of our leases today have those issues that surround the lease award. Although we do want to note and thank the Speaker, our oversight Chair and co-authors of Bill 228-37 which is now known as Public Law 37-74. That the now public law allows for or granted the expansion of eligible successors which include grandchildren, siblings. Unfortunately, because the public law does not contain a grandfather clause that public law will not be able to address the previous actions of the past. But instead, it will allow ...[inaudible]. So that's regarding the issues surrounding our lease award.

Now we'll move.... move to a report on Personnel. Recently we have just completed the recruitment of a Program Coordinator II; that individual's name is Ms. Jenny Lucas. We expect the recruitment of the LTA Land Agent I position for that individual to start on Monday June 17th. In addition to that, the staff... most of the staff is currently attending the new Farmers training which is hosted by UOG. It's a refresher course for them; they have attended a farmers training in the past.

Now we'll move to the projects that we have put together for the commission and staff in addition to the day-to-day activities that we already doing and addressing any other inquiries that we get on a daily. So, the first project is a land inventory project that is ongoing project. Although it's been revived and we're placing an emphasis on it so that we ensure and we know we understand how much land we have available. Also, who's the occupants, who's the Lessees and all that other stuff. In addition to that, we also have the... we've labeled it moving the line also known as the 95 applicants. We are going through what we've already started which was informing the next five in line. We're going to review that process that we have already done to ensure that everybody's been afforded their due process and whatever is granted to them. Whatever they're entitled to through the law.

Next, we with the recruitment of the PC, we were able to establish a compliance section now. So, we have a compliance project. Currently compliance, I mean we got a compliance team. The compliance team is focusing on track 9210 which is the northern most lot we have in our inventory adjacent to Anderson Air Force Base. Once that's completed, they will work their way south. In addition to that, we've also reached out to the Mayor's Council President, Mayor Jesse Alig to discuss some type of cooperation or joint venture between the mayor's and CLTC's compliance endeavors, because we understand that the mayors are able to issue citations, and Mayor Jesse Alig has had positive comments regarding our proposed joint venture. Also, we'll be scheduling a meeting with Chief Ignacio, the Chief of Police to, to discuss other options available that will also supplement and support our compliance inspections that will address the illegal dumping of cars and other metallic waste and other materials on CLTC property.

Now we'll move to the commercial. Recent... last week I believe it was last week, we've... the compliance team... we had, conducted a site inspection with DPW on Lot 14,16 and 18, block 3 Rem track [inaudible – individual coughing] in the municipality of Dededo. This was always on our radar, but this time we took it further, and we included or we requested staff of the Department of Public Works permitting, Permit Section to accompany us. As you can see, the property is located directly behind Med Pharm in Dededo. During our inspection, we had determined that the company responsible for the illegal use, the unauthorized use and the unauthorized construction of structures on the property that's highlighted in red was in fact Med Pharm. Also, during our inspection, we had witnessed several activities that were concerning such as the discharge of liquid into the...onto the ground from what look, appeared to look like a tank from a filter system. We also witnessed a car that was being prepped and masked like it was going to be painted. As a result,

DPW did issue a notice of violation and we did... we did send a letter to EPA requesting for their site inspection to be conducted to determine whether any further, other violations environmentally or have had occurred. Once that's completed definitely, we, we will be sending Med Pharm a letter to inform them of all the information that we have. We will gather from DPW and EPA, but please note that DPW has already awarded a notice of violation.

Commissioner E. Garrido: I have a question for you Joey. What are the yellow dots?

Acting AD J. Cruz: The yellow dots is where that we GPS, so we just... they just plotted it on the GIS.

Commissioner E. Garrido: And is the structure a permanent structure?

Acting AD J. Cruz: It stood Mawar, so it was built pretty solid.

Commissioner E. Garrido: Is it concrete?

Acting AD J. Cruz: There's some concrete parts, there's ... it's container it's what is it butler tin. There're other types of material that were used. We... we did have some pictures to display but, we... we'll, we'll come back to that. We'll move to the second lot that we conducted a random, inspection on. That lot is Lot 163-REM-PTN-3-N which is also in the municipality of Dededo which is currently commercially licensed to Agfayen Inc. During this inspection, we had witnessed the illegal, I guess storage of white goods, the unauthorized usage of the property to the rear. If you're familiar with the old Fortune Cookie Restaurant or the GTA in Dededo. Right across the old Flea Market there's also unauthorized use of the property behind the lease property by Agfayen Inc. So, we also will be sending a letter to EPA and to DPW to conduct their site inspection in related to whether they complied with the building code or obtaining the proper permits to construct, and we will also be requesting with, with DLM to conduct some kind of survey or to determine how much, what's the usage or how much property they're utilizing without authorization and whether they had encroached into any other adjacent properties.

Commissioner E. Garrido: Was it just our crew that went there or was it also Public Works?

Acting AD J. Cruz: Yes. It was just the compliance team of CLTC, but as a result from our inspection, we will request the inspection conducted DPW and EPA also. And we will...

Commissioner E. Garrido: Now you mentioned earlier that there was a letter of violation?

Acting AD J. Cruz: That is for Med Pharm.

Commissioner E. Garrido: Yeah. Was that delivered to them or just....

Acting AD J. Cruz: That was issued to them on site.

Commissioner E. Garrido: Okay, yeah.

Acting AD J. Cruz: We were present when the notice of violation was issued. These are the pictures from Med Pharm. That picture displays there a container type of office with a tin, I guess extension, there's other storage structures. If you see where the red ladder is... the... to the right of it, that's the masking and preparation for what appeared to be the car getting ready to be painted. That's another area.

Commissioner E. Garrido: Now when you were doing this onsite inspection with the inspector did management come out at all?

Acting AD J. Cruz: There wasn't a representative from Med Pharm, although we were told that the owner of Med Pharm Mr. Ramos was off island.

Commissioner E. Garrido: But there's somebody that's still in charge?

Acting AD J. Cruz: I believe it was the, the lady who was entertaining us who had the authority to take us around and answer any questions we had.

Commissioner E. Garrido: What she asked who gave you authorization?

Acting AD J. Cruz: We did request for a copy of the building permits, unfortunately the response we got was it's with the owners, because that would lead to.... We also did request from DPW if any permits were issued for the construction of those buildings. But we haven't received any a response yet.

Acting AD J. Cruz: So back to the fund and lease company, I mean lease property, that that's what's going to occur, we will be sending a letter to DPW and EPA requesting for them to conduct their own site inspection, and identify any violations if there should be any.

Madam Chair A. Bordallo: Normally when there's a lease and you are to hook up power, you need to provide a lease.

Acting AD J. Cruz: Yes, it may be too that the extension of Med.... Med Pharm's activities, they may have hooked up to their privately own building. It could have just been...

Commissioner E. Garrido: Now is Med Pharm on private property or they also leasing?

Acting AD J. Cruz: Med Pharm I believe.... I don't know if they own but they are occupying the property what used to be Bank of Hawaii. When we did our inspection, they had cut the cement block wall in the back as their entrance to the rear property that is under the inventory of CLTC, and the yellow points is what was GPS, and there's a made shift barbed wire fence with pallets, I believe it was around whatever they're using. There's storage of old split unit air cons, other type of metallic waste and trash.

Commissioner D. Herrera: The red perimeter, that's about 2 acres?

Acting AD J. Cruz: I believe half an acre, it's half acre. This the plotting of those delineation was based on the scheme or master plan that that was created.

Commissioner D. Herrera: And that's the only land trust inventory in that area?

Acting AD J. Cruz: No, everything south is CHamoru Land Trust property. So, everything within the red.

Commissioner D. Herrera: I see. This is not Fatima, like a buffer zone?

Acting AD J. Cruz: No, no it's in the back.

Madam Chair A. Bordallo: Are those registered properties?

Acting AD J. Cruz: Yes.

Madam Chair A. Bordallo: And are they in leases to any of our...

Acting AD J. Cruz: Yes, but the specific area I believe is not leased out yet, but we are verifying all that information. Okay?

Acting AD J. Cruz: We move on now to an update for Tata Communications. Initially the board had approved issuance of a submerged cable commercial license to Tata Communications about two years ago. We, we've been working on on the commercial license, unfortunately when it was approved by two previous attorneys ago, that draft was approved. We sent it to the AG's office it was disapproved. I believe because of the formatting and the missing verbiage. So, what we had done is we went back and we revised it based on the attorney's recommendations. It was sent to Tata; there was some discussions, some request of changing language or removing language. We did have our current attorney Assistant Attorney General Miller review it. He was in... he has agreed with the layout, the format, but there still a request by the attorneys from Tata to remove specific language within the recitals. Unfortunately, internally I would recommend to the board that we leave the license as to form. It's in compliance with the law that authorizes us to grant that type of license.

Commissioner E. Garrido: How long is the lease?

Acting AD J. Cruz: I believe it's going to be for 21 years I believe. But it will start from December 2022, because their lease expired November September. December 1st 2022, is the start date. It expired September 30, 2022, so it'll just carry on. There has been activity within the lease property, submerged lease property of Tata. We've learned that there's a cable that has landed. But like I said... was saying we would ask the board to consider sticking to our guns.

Commissioner E. Garrido: Is this the Agat site?

Acting AD J. Cruz: Yes, for the Agat site, and Attorney Miller is here to discuss.

Madam Chair A. Bordallo: [inaudible] muffled.

Acting AD J. Cruz: Yes, yes. So, what we're going to do is with the assistance of the Attorney Miller, we're preparing a letter to send the, the draft that has been approved by Attorney Miller and our previous attorney, Attorney Finney as to form. We don't know whether their attorneys will accept it or not, but please be rest assured that everything on that draft commercial license is almost reiterating the law. There's nothing new, there's nothing out of the ordinary.

Commissioner E. Garrido: So, there's no wiggle room?

Acting AD J. Cruz: There's nothing.

Commissioner E. Garrido: Either they accept it or they pull out their cables.

Acting AD J. Cruz: They don't... yes.

AAG Miller: Madam Chairman, members of the Board, we're actually dickering over something called the recitals which is not, which is not a legal component of the lease. It's kind of a little history of the relationship between the parties that you would customarily put at the beginning of one of these types of documents. The conversations we've had with the top head local counsel and the local counsel works with corporate counsel was back in Virginia. The lease document we've sent them says here's the here's the lease, and here are the terms under of our relationship when you land your cable. Well, they called us back and said, well, we've already, we've already landed the cable. So, let's.... we need to change the tense of all this. It's not it's not when we landed, it's now that the cables are already there here's how we're going to work with one another, and if they were only legally entitled to land one cable perhaps that might be something to talk about, but as a matter- of - fact lease allows them to land as many as six cables. They've already

landed a second, so we're very confident that the language we're using is the appropriate language. But again, local counsel here has to communicate with corporate counsel back in Virginia and somewhere in that communication. Those two groups of lawyers are not on the same page. But anyway, we think we're right. We're confident we're right, and our objective is to move this along and frankly get their check for landing the second cable as soon as we can.

Commissioner E. Garrido: Well but they've already have landed the second cable so basically, we have them over a barrel right now.

Acting AD J. Cruz: Well, there's a... the third cable has landed. It hasn't been connected yet. So, like I was mentioning earlier with the assistant I'm working with Attorney Miller, we're going to draft them a letter and send them the... the final draft and if they don't agree, I guess we're going to have to come back and discuss in front of the board again. But we'll see what happens from there.

Madam Chair A. Bordallo: But....

Commissioner D. Herrera: That he started in 2022 or back in.... when did the lease....

Acting AD J. Cruz: The initial lease?

Commissioner D. Herrera: Yeah.

Acting AD J. Cruz: I believe in 2000 or 2001. It was already an existing license. Tata has been operating there for many years, but it expired September 30, 2022. So.... and through the Guahan, I forget the public law number that was introduced by Speaker Terlaje that was related to submerged cables that was the authority granted to the commission to issue such a license.

Commissioner D. Herrera: So, two months ago they had their cable layer right outside of the [inaudible].... So that was the third cable?

Acting AD J. Cruz: There's a third cable that has been landed. There're two operational cables currently. There's a third, third cable that has been landed. Later on, during my report we'll display some information regarding the cables because we had discovered through a meeting with a Google Representative Ms. Tang. Ms. Tang, I believe and the construction company responsible for laying the cables had disclosed some information so, it alerted us to do some research. So, what I came up from that was we.... we did some research on Google and we found a website where it could display the actual submerged cables coming in to Guam which is there [display of location on screen].

Commissioner D. Herrera: This is the [inaudible]

Acting AD J. Cruz: This is the submerged cables of Guam. So, there's one cable we.... we know that GTA has cables running in through Piti, although what we... what happened was [display of location on screen] So, this is specifically a cable that's running into Piti which the information here displays that Tata Communications is the owner, and the suppliers is Subcom. The CHamoru Land Trust doesn't have a commercial license with Tata for any submerged cables coming in to Piti. So, what we did yesterday was we went to the Santos Park to verify whether there's any... whether there's multiple manhole..., usually the manholes run; I guess the cables run through the manhole into two Terrestrial Land. So, we did identify two manholes that did have the word communication printed on it. But we are still conducting further research and we will be reaching out to Tata Communications within next week to clarify whether they do have any cables coming into through Piti, and then we'll go from there and prepare our report and conduct any further research if needed.

Commissioner D. Herrera: But did you use Google? Or GTA to communicate [inaudible]?

Acting AD J. Cruz: Coming in the..... **[display of map on screen]** this information here is Tata Communications.

Commissioner D. Herrera: That just goes into the **[inaudible]**

Acting AD J. Cruz: Into Piti.

Commissioner D. Herrera: Onto Piti?

Acting AD J. Cruz: So, when you type on the search bar Piti, it'll bring up the cables that are coming in through Piti.

Commissioner D. Herrera: So, Piti has two cables?

Acting AD J. Cruz: Two companies that are that cables are coming into to the submerge which is GTA, and then we've just learned also Tata Communications.

Commissioner D. Herrera: So, there three?

Acting AD J. Cruz: Two, but we need to, but we need to verify with Tata.

Commissioner D. Herrera: Three in Agat.

Commissioner E. Garrido: Is this affiliated with AT&T?

Acting AD J. Cruz: Uh no. I believe it's affiliated with Google.

Commissioner E. Garrido: The cable?

Acting AD J. Cruz: The cable in Agat, Tata Communications has a commercial submerge, or not yet but they're utilizing three other six conduits in Agat.

Commissioner D. Herrera: I see. Okay so there's six and two activated or one?

Acting AD J. Cruz: In Tata there's two active, one that has been landed and also, I believe that's also affiliated with Google.

Madam Chair A. Bordallo: On the recital that they don't agree... with what is it?

Acting AD J. Cruz: It relates with ... they may conduct a horizontal drilling so it's not required but they may... but, if I'm not mistaken, I believe they feel that it may cause confusion. But after discussing with Attorney Miller, the recital doesn't really hold any weight... the terms of the agreement. So, but again we we'll be sending a letter to Tata. Attached to that letter will be the final draft of our proposed commercial submerged license agreement, and if they shall not agree then I guess we'll be back here again to discuss that issue.

Commissioner D. Herrera: I have a question on submerged land. How far out from the high watermark? How far out does the submerged land is it variable based on the reef line or I mean... I don't know.

Acting AD J. Cruz: We, we would need to get back to you on that... ourselves too are not... but we will.

AAG Miller: The statute has a language which instructs a surveyor how to draw the line, so it's going to, it's going to vary so that....

Commissioner E. Garrido: Would that be in conjunction with the economic zone?

Acting AD J. Cruz: I'm, I'm not sure we, we would need to verify that information.

Commissioner D. Herrera: One more question. The operators that were doing an operation out of Malesso, is that considered under submerged land?

Acting AD J. Cruz: Malesso?

Commissioner D. Herrera: Yeah, you know there's an activity... is that like jet ski and boats?

Acting AD J. Cruz: The Bikini Island.

Commissioner D. Herrera: Right, right yeah, so is that out of the submerged land? Perimeter or...

Acting AD J. Cruz: We did have someone I believe it was Mr. Quinata is his name who had stopped by the office to inquire. We did make mention of maybe he should stop by and inquire with BSP, but he never came back after that.

Commissioner E. Garrido: Well, if that's been conducted as a business, they need a business license and they need to show some proof of ability to operate on that sand bar.

Acting AD J. Cruz: I don't think it's underneath the sand. I think it's like a floating bar but then again, we could be wrong, but that's not ...

Commissioner D. Herrera: Yeah, as long as we know how far out like you mentioned right based on the survey. So, okay that's it.

Acting AD J. Cruz: So, that's in relation to the commercial activity that we wanted to report.

W Acting AD J. Cruz: We also wanted to report to the board that about a couple of weeks ago we received their demand letters for payment from SBA for defaulted loans. These three documents equate to a little over \$200,000.00 (Two Hundred Thousand Dollars). We're going to prepare the reports and we will present it to the board for disposition or further action to settle this matter.

Commissioner D. Herrera: So, there's three SBA from Mawar or from...?

Acting AD J. Cruz: No, no from previous loan guarantees issue, but we, we wanted to ensure that the board is aware that we are receiving letters for demand letters to pay for defaulted loans that were backed by the guarantees issued by each one address.

Commissioner D. Herrera: So, there's three.

Acting AD J. Cruz: Three so far or recently that we received.

Commissioner D. Herrera: Short arrears or like one month? six months?

Acting AD J. Cruz: Well, it, it doesn't display the history of the account or the payment schedule although it does say when payment due. For example, this one I'm looking at now payment was August 2007, but the statement date is just April 2024. Nonetheless we, we do have a responsibility to this. This is the amount due; it is unsure and we'll verify with Mr. Lujan from SBA

whether it also includes any penalties, late fees and if there is then we'll.... we'll request for the true amount prior to presenting it to the board. Because this could just be the principal amount not the fees.

Commissioner D. Herrera: That's for the three?

Acting AD J. Cruz: For the three. A little over \$210,000.00 (Two Hundred, Ten Thousand Dollars).

Commissioner D. Herrera: So, one had a last payment of 2007; the other is 2024?

Commissioner D. Herrera: The payment due... the first one the payment was due in 20...2007, then the second one the next payment due was 2019, the third one 2010 so varies.

Madam Chair A. Bordallo: Can we go on with the next report?

Acting AD J. Cruz: That's all for the Director's Report.

Madam Chair A. Bordallo: Then going into Old Business.

Commissioner E. Garrido: Madam Chair before we go into Old Business can I say something please?

Madam Chair A. Bordallo: Sure

Commissioner E. Garrido: As an advocate for Progressive thinking, I submit the following:

The CHamoru Land Trust Commission is faced with issues related to irregular and unauthorized leases from past administrators. These issues were highlighted in a Special Board Meeting held in September 2023, where the commission decided the need to address these past leases and ensure compliance with the law. The meeting aimed to rectify the prevailing standards and irregular lots that were leased out without proper authorization. The CLTC is working to resolve these issues and ensure that future leases are conducted in, in accordance with the law and the commission's regulations to ensure accountability for past administrative actions the CLTC can take the following steps.

First: CONDUCT A THOROUGH REVIEW- the board should conduct comprehensive review. View of past administrative actions including leases and contracts to identify any irregularities or unauthorized activities; to document and record.

Two: DOCUMENT AND RECORD KEEPING – The board should ensure that all relevant documents and records are properly maintained and easily accessible for future references.

Three: TRANSPARENCY and COMMUNICATION – The board should maintain transparency in his actions and communicate with state holders about any issues or concern related to past administrative actions.

SANCTIONS and PENALTIES - The board should impose appropriate sanctions and penalties for any administrative action found to be irregular or unauthorized as outline in the CLTC standards.

TRAINING and EDUCATION – The board should provide training and education to the staff on the importance of accountability and compliance with regulation to prevent similar issues in the future to ensure transparency and past administrative actions, CLTC can follow these best practices:

FIRST DEFINE TRANSPARENCY- Establish a clear understanding of what transparency means for the organization including what information should be shared. How and when develop practical

sensible and realistic guidelines. Establish a clear policy on conflict of interest. Require all Directors to disclose potential conflicts before participating in discussions or voting on related matters. Maintain a register detailing personnel and business interest that could lead conflicts.

COMMUNICATE EFFECTIVELY - Keep stakeholders informed about board activities, decisions, and changes through regular newsletters, annual reports or meeting minutes, meeting of minutes. Be prepared to address the questions and request for clarification

Four: UTILIZE DIGITAL PLATFORM – Leverage board portal software or similar digital platforms to facilitate timely, and secure sharing of information. This includes centralized file repositories meeting minutes and voting records.

DOCUMENT and RECORD KEEPING – Maintain accurate and accessible of all administrative actions including the minutes, agendas and board packets. Ensure these records are easily retrievable and up to date.

TRANSPARENCY and DECISION MAKING – Ensure that all decisions are made in a transparent manner with clear explanation and justification. This includes providing reasons for decision and action taken.

ACCOUNTABILITY and COMPLIANCE – Implement a system to track and monitor compliance with regulations and applicable laws. All Directors accountable for their actions and ensure that the board adheres to its own standards.

REGULAR REVIEWS and AUDITS – Conduct regular reviews and audits to identify and address and irregularities or unauthorized action. This includes reviewing past administrative actions and ensuring, ensuring compliance with regulations.

The key difference between Illegal and irregular distress are – Illegal distress void ab initio. Illegal distress is void from the start, meaning it never had any legal effect. This occurs when the landlord has no right to exercise the remedy in the first place. Such as when there is no landlord tenant relationship and no rent default. Trespass – illegal distress can consider trespass which involve direct physical interference with property. More severe consequences. Illegal distress can result in a more severe consequence including punitive damages and may be considered a criminal offense.

IRREGULAR DISTRESS – Null void ab initio. Irregular distress is null void from the start; it is still a legal remedy but the landlord has failed to adhere to procedural requirements.

DAMAGES – Irregular distress can result in damages for the tenant but these are typically limited to special damages and may not include punitive damages.

LESS SEVERE CONSEQUENCES - Irregular distress typically less severe consequences than illegal distress as it does not involve direct physical interference with property or criminal offenses. In summary, illegal distress void from the start involves direct physical interference with property while irregular distress is a legal remedy that involves procedural failure and typically results in damages for the tenant. To address illegal irregular or unauthorized leases from the past administrators, the CHamoru Land Trust Commission should take the following action: - Conduct a thorough review, document and recordkeeping, establish transparency and communication. Impose sanctions and penalties, provide training and education for the staff. Develop a clear policy on conflict of interest. Utilize digital platforms and conduct regular reviews and audits. By implementing these actions, the CLTC board can address past irregular irregularities, ensure transparency and promote good governance going forward. Following the above steps, the CLTC board can ensure accountability and remediation for past administrative actions and maintain the trust of its stakeholders. This is in line with all these agenda items that we have to address because of what was done in the past. I'm not pointing fingers at anyone. I believe that everybody here in

this room is doing a good job trying to make do with the available resources today and uh I just want to commend you Joey and your staff for keeping the bar high.

Acting AD J. Cruz: Thank you.

Acting AD J. Cruz: If I may just add to the Director's report; it just came to me now. We've already commenced the process of the procurement process of the Federal Grant that we received from the office of Internal Affairs. That project I believe is titled the upgrade of CLTC IT infrastructure or the enhancement. So, what's going to happen there is this grant is paying for the creation and the development of our website. Our website is going to be able to sustain I guess the information from the software that's going to be created. Everything in our file room is going to be scanned and indexed and stored in our database. Our constituents are going to be able to obtain login credentials view even from their home the information within their file. The staff is not going to have to physically pull files anymore. They're going to be able to login, view everything and as things are being submitted it will be also scanned and indexed and uploaded. So, it's going to be like a real time information that will be available. We, we plan, we've already sent the RFQs for the website development. We're ready.... sending the requisitions for the publication of the RFP. The RFP has been already created we're just going to go back and update the dates. The requirements have already been by Otech, it's been approved and we plan to issue the RFP to publish the, the availability of the RFP in August and award the contract by September and commence the scanning by October. That's our timeline our projected dates for it to start rolling. So, I do apologize but it just came to mind after Commissioner Garrido had read his....

Commissioner E. Garrido: Yeah, I've seen all those paper files in the back.

Acting AD J. Cruz: Yeah, so we're, we're going to get there slowly but surely and we anticipate that this the scanning and creation of the database will be completed by the end, by September 30, 2025, if not sooner. So, that's next fiscal.

Acting AD J. Cruz: Madam Chair if I may, the next item on the agenda is the Guam Housing Corporation, USDA Rural Development MOU. After that, if possible, the management team from Guam Housing is here. If you can consider moving item C and under new business item C right after the MOU discussion.

Commissioner D. Herrera: Is there somebody online? I heard the online.

Acting AD J. Cruz: I'm not sure.

CLTC Staff J. Dayday: She's just clicking on it.

Commissioner D. Herrera: How do we know somebody's on zoom?

CLTC Staff J Casem: We're just sharing the packet so we, we can't see this part now.

Commissioner D. Herrera: Oh, but nobody in zoom?

CLTC Staff J Casem: Yes. it's just the staff and the, the public.

Commissioner D. Herrera: No one... is anyone from the public?

CLTC Staff J Casem: Mr. Diego is on.

Commissioner D. Herrera: Is he on zoom?

CLTC Staff J Casem: Yes.

Commissioner D. Herrera: So just because I.... is he on island or off island?

CLTC Staff J Casem: I'm not too sure. You can ask him. You can talk to him.

Commissioner D. Herrera: Can you verify Joey?

Acting AD J. Cruz: Mr. Diego are you there? [zoom screen].

Commissioner D. Herrera: Just because....

Mr. Diego: Hafa adai. Yes, I'm here.

Commissioner D. Herrera: Okay, so yeah well, I think it's on just because of the timeline.

Acting AD J. Cruz: Yeah. So, the MOU is the next item on the agenda but Madam Chair if you can consider moving item C under new business after the MOU discussion only for the interest of time and the Guam Housing Management team is here. I believe they have another meeting.

Madam Chair A. Bordallo: Okay, that's fine.

Acting AD J. Cruz: Okay.

Madam Chair A. Bordallo: In agreement Directors?

Acting AD J. Cruz: Everybody agrees?

Commissioner D. Herrera: Depending on what what's his timeline right? Cause I don't know.

Acting AD J. Cruz: Yeah, the, the discussion, the next on the item on agenda is the MOU. The Guam Housing and USDA; we're just requesting that we move. The other item "C" under new business to follow only for the interest of time. Guam Housing is also here.

Madam Chair A. Bordallo: The legal counsel is going to give us some....

Acting AD J. Cruz: He will inform you guys of his findings of his review. So, Ms. Pangelinan and Ms. Guerrero and Ms. Camacho... you want.... [inaudible]

Acting AD J. Cruz: So, we had shared with everybody the latest draft MOU which is titled Memorandum of Understanding Between the Government of Guam to the Guam Housing Corporation and the CHamoru Land Trust Commission and USDA Rural and Development. Rural Development, we did share the draft of Attorney Miller and he would report his comments on, on the draft.

AAG Miller: Thank you very much Madam Chairman, members. I think the... excuse me, I think the most import thing for you all to understand to the extent this program moves forward and loans are made. You are authorizing other organizations; Guam Housing and the USDA to spend your money. You're trusting that, that they're going to spend your money wisely. Because, as we've already seen when the, the borrower chooses to default, USDA isn't paying the bill, you're paying the bill. So, just understand that's the question that's before you. The other matter I'd like to your attention is, is frankly just to repeat topic we've talked about a couple different times today. This has nothing in particular to do with the program in front of you as it's been defined, but it would be legally problematic if a lessee whose lease is itself problematic to get one of these lots. If your; for example, you know as we've talked about a couple times today, when somebody, when somebody has a lease that they, they had no legal entitlement to; there's really no remedy for that situation

other than to say ... you must leave. You have no legal right to be on this land; you must leave. Well easy to say but, if, if they borrowed money and they built a house and, and all is, you know and all is going along just fine, nonetheless, if that lease was flawed in the beginning... sorry. I, there's nothing we can do. The lease, the lease never should have happened. You never should have been here and the fact that you went out and borrowed some money and built a very nice house and property; there's nothing we can do about that. Now they can come back and sue everybody else and say...you shouldn't have let me do that; you should have stopped me from taking out that loan. So, you know there's, there's a number of, of specific details we could talk about but I think again, the, the two I would want to make sure you're aware off as you're considering this program. Number 1. – if the program goes forward, you're letting other people spend your money and number 2. – because we know full well that there are a number of leases that are legally problematic if borrowers with those problematic leases are applying for these loans, we're just make the legal problems significantly bigger. That's all I have to say today. Thank you.

Commissioner D. Herrera: Sir, we have three homes that were built and they were on unregistered lands and I believe they went to Guam Housing. This is located up at 5308 during last couple months, we were supposed to entertain a client that was going to go through the loan guarantee. So, we found out that that whole particular lot was unregistered. This is located up in Latte Heights where the water tank is at. So those three homes that were built just recently... now we have to inform them that the property that they're on is unregistered. So, would that make the liability on the trust which is just what you kind of explained, they had the lease, everything was ratified and then now after 10 years; one of the lessees was requesting for a ... or approved for a small business administration loan, and when he went through the bidding of the property, the property, was designated on survey along with the... all other 14 properties on that zone, and the three property lessees constructed a full home, concrete home. So...

AAG Miller: Without speaking to that specific situation, because I haven't, I haven't looked at the details of the particular properties you're mentioning. Frankly I'm just going to repeat what your, what your colleague just said to you. We have two types of problems. We have people who never should have been there in the first place.

Commissioner D. Herrera: Okay.

AAG Miller: And then we have people who are have, have the had a legal right, a legal entitlement, the legal authorization to be there. But along the way, they didn't, some box didn't get checked. Some a part of the, the responsibilities never got fulfilled. So, for example if, if, somebody has built a house on a property they were legally entitled you know they were the right person at the right time to be entitled to that lease, and they, they generally complied with all the rest of the terms of the lease, but they, they've yet to do the survey which would allow them to, to get the property registered. Then a potential remedy the, the commission could say off, and that that's always if you're in breach of your lease. You can always say get off. But you can also say look we're going to give you 90 days or we're going to give you 180 days to go fix this problem, and so long as you fix it within 180 days and come back into compliance, with the terms of the lease we'll, we'll be good. But, some of the leases there's no fixing it. You know people who jumped the line for example, you can't, you can't turn back time. On the other hand, you know there are people who were, who are legally entitled to be where they are, but of the many requirements they were supposed to fulfill along the way, they haven't done every one of them and every one of them exactly on time, and we the commission has the opportunity to give them the opportunity to catch up and get in compliance.

Commissioner D. Herrera: So again, the unregistered land, what, what do we inform those three home owners that will approve a long-term 30-year mortgage from Guam Housing and or SBA be?

AAG Miller: Again, we'd have to, we'd have to look at the particular file to make sure they were legally entitled to be there. They were the person in the right order of the right day and time, and all

the other requirements are met. But, they, they've simply failed to complete one of the requirements in order to get the property registered.

Commissioner D. Herrera: No, it was the trust that failed by giving them lease on an unregistered property; that, that's my point.

Madam Chair A. Bordallo: Well, you have provided the information....

Acting AD J. Cruz: I, I think Commissioner Herrera your question will be, could be answered in the item that we will discuss after the... because it relates to the unregistered.

Commissioner D. Herrera: Yeah, it was the commission that gave us the property map. Okay, carry on. Madam Chair.

Acting AD J. Cruz: So, regarding the... Madam Chair, does the board want to provide any information or you want to make any comments regarding the MOU?

Guam Housing Staff: Is Mr. Diego still on the line and maybe he wants to take... because this is his program and our, our role is to assist CLTC, but it's with....

Madam Chair A. Bordallo: And what about Mr. Jose Munoz?

Acting AD J. Cruz: That's the next item.

Acting AD J. Cruz: Mr. Diego can you hear us?

Mr. Diego: Yes, okay, so, thank you Madame Chair, Commissioner Garrido, Commissioner Herrera for having me today. I apologize I'm not there in person, I'm currently in Palau. I got other duties that taking care of here, but, but just as a general introduction, you the know the MOU is basically a, a vehicle we're using to propose. Opening of our housing program to beneficiaries of CHamoru Land Trust and basically know as our 502 Direct Loan Program. This program assists low and very low income obtain decent safe and sound. We provide payment assistance to increase an applicant's repayment ability and what that means is our current prevailing rate is about 4.25. We can advertise the loan up to 33 years and possibly 38 years, but if a rate of 4.25 is not applicable for the, the applicant's repayment ability, we can bring that interest rate down to 1%. So that essentially increases the individual's repayment ability. So basically, how we see the MOU is, we typically have a dual-party MOU where USDA negotiates a MOU with, typically the state housing agency. Just last April, we did a MOU with the CNMI, to authorize our housing program in CNMI. We currently have the MOU in place in Marshall Islands and I'm actually here in Palau negotiating with them as well on a MOU. The uniqueness about this particular MOU is, it's a tri-party MOU wherein, we will be working with both Guam Housing and CHamoru Land Trust to bring our programs to recent applicants who are residing or have authorized lease on CLTC. Basically, the function we're looking at is, in a nutshell Guam Housing would be packaging USDA loans subject to CLTC providing eligible leases to CLTC; and as the attorney mentioned should, you know in the event of foreclosure, you know of course this is after USDA has exhausted every effort to you know brewing the current because we really want to see owner become successful. But, in the event of a foreclosure, would notify both Guam Housing and CHamoru Land Trust and basically, we would and I know Guam Housing is going to speak, but the way we see it is CHamoru Land Trust should already be submitting potential applicants to Guam Housing who would candidates to take over a distressed account. Basically, an account that we're going to foreclose upon. So, breaking it down in the simplest form USDA would foreclose, we'd say Guam Housing be foreclosed on this, you need to pay USDA the outstanding principal and interest, which Guam Housing would do, assuming it's coming from the established escrow account, and simultaneously [inaudible] CHamoru Land Trust would have a substitute applicant that may take over. Maybe interested in taking over the foreclosed home. So, when that happens CLTC would provide that name or that client to Guam

Housing. They package the loan for that client to take over the distract account the account. USDA again can come in and finance the new client that's going to take over the distressed account, and once we fund, that, that funding would actually go to Guam Housing to replenish account with what with the amount that was withdrawn to pay back USDA. So, that's basically in a nutshell how we envision the MOU, you know coming into play to assist a potential homeowner on CHamoru Land Trust. So, that, that's basically what I have to say, but I, I can stick around to answer questions. Thank you.

AAG Miller: Please, please don't take my comments as, as a negative view on the program, but let me note for ... there's no foreclosure here. The CHamoru Land Trust owns the land. If, if, somebody doesn't make their, their loan payment, well the... they can be found in breach of the loan and told to get out. But, the usual remedies for, for, for housing loans if you, if you don't pay you go to court and you foreclose and there's a whole foreclosure process. Not going to do that here, because you own the land. You'll always own the land. Likewise, it is unclear to me the, the agreement is clear that if, if somebody isn't making their loan payment, that the, that after the, the loans servicer determines we probably can't fix this; this borrower isn't going to work. The agreement is clear that, that the CHamoru Land Trust should find, you know a, a new person to try and take over. Well, it's unclear to me we haven't really thought this through in detail. Your laws, your rules are very clear that people are supposed to be offered leases according to the date and time that they signed up. So, if, if Lee Miller who takes out one of these loans stops paying, and so we'll, we'll go push that Miller guy out. That's easy. Do we? Do we? How do we find this next person? Do we just go to the next person on the list?... and say hey we have this, we have this house it's got the, that comes with this loan. I mean do we just keep moving down the list? Can we call up Mr. Cruz and say hey you know Mr. Cruz, I know you were by the office last week looking for an opportunity, it turns out that we've got a foreclosure. Coming back, I mean I don't, I don't know that it's been really worked through how we're going to find the next occupant of the home who's going to have to take over for the loan; and do that in compliance with the law that's very clear that, you know we move down the list by date and time to, to offer leases.

Commissioner D. Herrera: Okay based on Chapter 75a section 118, there's a successorship clause and that goes from the main lessee then it can be passed down to the beneficiary. Now my question on this is, that is this an assumable loan if the mortgage is consummated, is it assumable? Joe? **[Diego]**

Mr. Diego: Yes, as part of our servicing, again our effort is to make that individual a successful homeowner. We have array of servicing tools, we can provide moratoriums when you know as an example there's a death in the family, you know they, they can be given at least a six-month moratorium that can extend up to two years. We recently with the Mawar storm we had, we offered all our clients in Guam, outside of CLTC a six-month moratorium. Basically, to you know recover personal their personal crisis. Even in Covid that's one thing we, we offer also, offer assumptions, we offer same rate and term assumptions or we offer new rate and terms and assumptions. We also offer payment assistance supplement, supplementary payment assistance. So, there's a wide array of tools we, we offer to, to help that family recover from any financial crisis that you know they may have experience. So, we're not meant to foreclose the minute it's the delinquent. We try to work with the family as we can at the best of the family's capability to recover from financial crisis. So, that's really the gist and of what we do, but it's the, it is assumable. So, typically if we have a client that's in distress, they can't keep up with payments, we will say do you have children? Perhaps, but of course we'd have to make sure it doesn't violate any CLTC mandates. So, this is where we work in partnership and, and this is why we, we want to make it a tri-party MOU to have CLTC also assist in, in making it a successful agreement partnership, in bringing our programs to CLTC.

Commissioner D. Herrera: Okay, thank you sir. Okay, yes Section 118 beneficiary, so that would be the first component for successorship in line with what he was mentioning if it's a, an, an assumable. So that would be on 118.

Commissioner E. Garrido: Yeah, but in the event that there, there is no successor, successorship and goes back to what you were pointing out...

Commissioner D. Herrera: Then he goes to, to the board right here, the other section you read down, that he goes to the board to make that determination. So...

AAG Miller: Where the, the successorship talks about what happens when the lessee borrower passes away. The more likely case is... Lee Miller gets one of these loans and then just stops paying, but rather than, rather than having to write \$200,000.00 [Two Hundred Thousand Dollars] worth of checks, you go try and find Joey Cruz who's got a good job, is a guy who, who can make the payments but it, but is Mr. Cruz entitled to, to that lease under the larger rules about in what order people are eligible for leases?

Madam Chair A. Bordallo: I think the best solution is the beneficiary also signs the loan besides....

Acting AD J. Cruz: Just one question. What if the lessee decides to change the beneficiary? The how do you, how would you attach that? I mean, if I may, I was listening to everybody and I read the MOU, even if the MOU is executed today, it's our job internally to ensure that the next applicant for lease award would be provided to Guam Housing. It will also be our job internally to ensure that if that client is not eligible to assume that loan, that we award them a lease before we send number six to you guys. Just based on our, based in the order that we're supposed to process leases as Attorney Miller had said based on date and time. So, what I'm gathering through all of this is if we were to provide you five names and number three is eligible to take over the loan based on his debt-to-income ratio; we have to ensure that we give four and five before six is given the opportunity to take over the loan. But it doesn't preclude us from asking USDA for to apply some kind of deferment until number six takes over.

Mr. Diego: my understanding you correct, you have a, a number of ways to, to be deferred loan payment.

Mr. Diego: I'm sorry that was a question for USDA, right? Yeah, so typically we would provide a, a listing of delinquent accounts to Guam Housing and CHamoru Land Trust. I believe once it gets to four payments behind ... so you're going to have advanced notice to realize which accounts are in distress and so that should be the, the que basically to you know, start looking at the clients as you had mentioned. I didn't catch that question about deferment when we get to that process. Joey, can you repeat that if you don't mind?

Acting AD J. Cruz: I was just explaining that the CLTC in how we're supposed to award leases. So, it would be incumbent upon us if we were to provide Guam Housing with a listing of five names, if number three the, the next applicant in line to take over who's able financially to take over the loan or to make a new loan to pay off that loan. Whatever the case may be, CLTC will have to ensure that to comply with our lease award process, we would have to make sure that one and two is issued a lease prior to three. But in, in that whole process nothing prevents us from requesting some type of deferment method with USDA until that leases award hopefully you'll give us six months if it's possible.

Mr. Diego: Okay so if we, we're working with number three as the potential client to take over the distress account then, then you you're saying you, your USDA would be requested to defer?

Acting AD J. Cruz: If, if it's possible because you mentioned like financial...

Mr. Diego: Yeah, I don't, I don't see why not, you know if it's a reason amount of time, I mean if we're going to have to wait a year it's probably not to any of our advantage if there's interest

accruing. So, that's why it's, it's incumbent CLTC, Guam Housing, USDA to get in on the distressed account as early as possible. We currently have a protocol that I believe it might even be in the MOU that the minute we send out a fourth notice that we also copy our partners in CLTC and Guam Housing so that they're aware, they're aware this may be resulting in a foreclosure or I'll just say foreclosure for lack of a better term in this case. So, that you know we should be all primed in a position to you know address that delinquent account one way or another. But, if we do have to allow some time to be authorized to allow that process to occur, I don't that being a problem.

Mary Guerrero (GHC): This is Mary Guerero, so in the event that's there's a default and the individual, the lessee is no longer residing on the property, of course we're going to follow whatever CLTC's next applicant will be, and then we'll go through the process of seeing if they are in fact able to assume or take or get a loan to pay off that existing loan. My question is in instead of a deferment because of the interest that may accrual it's going to be passed on to CLTC, that I'm not sure if CLTC is allowed to make interim payments on a monthly basis so that it would still be in line with the advertise schedule. So, that you're not just delaying the payment and then maybe your next payment; most of it would be interest because of the deferment. So, if, because Guam Housing is going to be assisting CLTC, I would recommend if it's, if there's a possibility for them, for CLTC make inter, I mean payments on a monthly payment basis so that I don't know if they're allowed to lease it in the interim until they find, maybe just the applicant that's next would want to lease they finalize. But I think that is what if Guam Housing going to assist CLTC, I would like to see that payments are made in monthly. Only to avoid having a higher amount for that person, the next person to assume because the delay in processing, and that that would be my recommendation.

Commissioner D. Herrera: Is that in our MOU what she just mentioned?

Acting AD J. Cruz: Um, I don't....

Commissioner D. Herrera: Attorney has he...

Mary Guerrero (GHC): No, it's not.

Acting AD J. Cruz: No, I don't think it....

Edith Pangelinan (GHC): If I may, I know that this is under discussion right now, but we all know that we've been trying to get a meeting together with the parties involved with this MOU, and that has yet not to be... [inaudible] realized. So, I know I understand Mr. Diego is off island and so we plan the law has been passed since several months ago, and so because this is still in draft form; I think it's more prudent that we all come together to the table and finalize the so-call MOU, the send it to the legal of each of the three of the agencies involved. That way that can be considered a final document once we want to implement this program. This law like I said became law a couple of months and I don't know today do we have anybody that's interested and it... I'm so appalled that we have thousands of applicants back since 1995, and we seem to keep coming back to the fact that we're only in number six for that matter.

Commissioner D. Herrera: I, I see.

Edith Pangelinan (GHC): I mean what can be done? What really can be done to move because we don't know that everybody that's, that has applied today also. I, we all know this realistically maybe some people have died. People are no longer interested because they're not living here right, and so all of these needs also... I mean I don't know. What, what are we doing? Like what is....

Commissioner D. Herrera: Yeah, there's a public law already right that was, there was a bill and then it became a public law to address the grandchild. So, we were discussing that so that

grandchild clause needs to be clarified again. Is that grandchild applicable from back in 95 up until now at 2024, that one part? Now the other part that you were saying how many have been [inaudible], I, what I am hearing based on the public comments is that there's five. Joey, can you confirm that there's 5?

Acting AD J. Cruz: We, we've already initiated the communication with the first, the next five in line. So, it could be they could be 807 at and 37 seconds and so forth. So that's how we're processing.

Commissioner D. Herrera: So, yeah so in addition to that right, I like to respectfully request that we're going to expand that five to at least 500 or at least 200 or 300 and of course that thing requires fundings. So, again and this is my question on this one; if this MOU is approved? I know that we have another MOU since back in 2005. Yes, what happens to that, is that in your bucket or in our bucket?

Acting AD J. Cruz: It's here but I believe with this MOU this will supersede...

Edith Pangelinan (GHC): Yes.

Acting AD J. Cruz: And terminate.

Commissioner D. Herrera: And that will release that half a million dollar, right? And what is, is there any restriction of that half a million?

Acting AD J. Cruz: It's for the.... that half a million dollars is within the loan guaranty fund.

Commissioner D. Herrera: Right so, now when this one kicks in so that loan guarantee would be relief now?

Acting AD J. Cruz: It un-restricts the usage but it is still the expenditures are still restricted within what's allowed by the fund. So, for example the loan guarantee fund was created to pay for any loans that should go into default or.....

Commissioner D. Herrera: So, let's say the first two.... 2005 MOU back then; now how many homes have been secured with that because I remember that we kind of counted 100 and....

Acting AD J. Cruz: None.

Commissioner D. Herrera: None yeah. So that has no obligation?

Acting AD J. Cruz: No.

Commissioner D. Herrera: So that means that first half a million maybe obligated because there's no obligation?

Acting AD J. Cruz: It, it would be unrestricted.

Commissioner D. Herrera: Yes, so where do we... do we have to turn that back into the general account or no?

Acting AD J. Cruz: It stays within under the loan guarantee fund.

Commissioner D. Herrera: Under ... and, and who can convert the loan guarantee for us to utilize that \$500,000.00 for other beneficial process like what we were recommending here, does it need a board approval?

Acting AD J. Cruz: It's going to require an act of law.

Commissioner D. Herrera: Okay, so we have to get a public law to release that?

Acting AD J. Cruz: Yes.

Commissioner D. Herrera: Who from?

Acting AD J. Cruz: If you want to reappropriate that money....

Commissioner D. Herrera: Yes.

Acting AD J. Cruz: It requires an act....

Commissioner D. Herrera: Okay, all right. So that's noted. So, that half a million dollars right... if we get the proper timing, can be released back to CHamoru Land Trust, change the language; it remains in our bucket, right?... and then we can use that to utilize to do our mailing process, and the no return mail process so instead of going five by five by five, we can go 100 and 100 and 100. Something like that cause we're going to need the funds for that so that's one.

Acting AD J. Cruz: If I may sir, the reason why we stopped at five is because number six is the grandchild.

Commissioner D. Herrera: Yeah, so we kind of already got a bill or a law for that right so we need to amend that law that was supposed to address the grandchild.

Acting AD J. Cruz: Yes

Commissioner D. Herrera: Good call. Okay, alright so next.... So, so we have a task to amend the First Amendment

Acting AD J. Cruz: Yes.

Commissioner D. Herrera: And to reappropriate the first half million...

Acting AD J. Cruz: Yes, if that's the intension of the board.

Commissioner D. Herrera: Yeah, yes and the with the grandchild, another slide adjustment.

Acting AD J. Cruz: Just the grandfather clauses.

Commissioner D. Herrera: Okay.

Mary Guerrero (GHC): Okay, that \$500,000.00 that was recently approved for... for related to, to development because I think that was.... are approved. I think that was for the purpose of being in the escrow in the event the loans are made and if anything is in default Guam Housing would have a recourse if there's, if there's just no way of finding another person to[inaudible], what happened to that? Give it to the next person that, that has been approved. When they do process the loan and the proceeds then given would go back and replenish what was initially satisfying that default. So, Joey said that that has nothing to do with the guarantee.

Acting AD J. Cruz: No, with the first one. Commissioner Herrera \$500,000.00 was what was reserved to the First Amendment was discussed 2005.

Commissioner D. Herrera: Now we have 2024.

Edith Pangelinan (GHC): Okay, this is a.....

Acting AD J. Cruz: not the recent one.

Mary Guerrero (GHC): Okay, that's a different \$500,000.00, this is a separate law?

Acting AD J. Cruz: Yeah.

Commissioner D. Herrera: Okay, good question. Okay, next.

Mary Guerrero (GHC): Are we okay with the form?

Acting AD J. Cruz: How does the Board.....

Edith Pangelinan (GHC): It's still in that form so ...

Acting AD J. Cruz: So, Attorney Miller, in its form, is it acceptable?

AAG Miller: There's, there's nothing legally wrong with, with the MOU that's in front of you, but there are many questions as to how it would really work, once we got into the business of making these, making these loans. I would also suggest to the board that you consider that because as I said ... these folks are really spending your money that, that you have to give some thought to how within the trust, how you going to manage and oversee the program so that so, because the USDA and Guam Housing are really the people Monday through Friday, 9 -5pm. They're the people who are working the loans. But again, they're spending your money. So, who here is going to oversee the program and, and be aware of how the program is going, how many applications, how many people are qualified, are, are we, you know are we, are we feeling good about the people who are being qualified? How many people are 30 days down, 60 days down, 90 days down? Who's, who within this organization is going to be on top of this program so that we don't wake up one day and four letter from the USDA that says you got... we need \$400,000.00 in the next 30 days.

Commissioner D. Herrera: Yeah, Joey was mentioning that we were going to implement a new automated system... right?

Acting AD J. Cruz: For the database and....

Commissioner D. Herrera: So, may we, may I suggest that we store in that database and ... [inaudible] reference that in, and to tie this program in that if once it starts growing and we have client "a" doing a particular payment per month, that he can give us client "a" need payment for June. So that gives us a particular and then we can automate the credit debit on getting the account from the \$500,000.00. Continue the payment instead of accumulating the arrears and we can do that; we can automate instead of having a human being do it. We automate, do the transfer from the internal funds.

Acting AD J. Cruz: If I may, our act already sets forth how we should cure the default. So, if the servicer which is Guam Housing and USDA, if we work together and we can we agree that yes 60 days we should be notified. But, let's reduce that to 30 days. Because we're going to need time also to vet the next people in line. When we're informed that there's a default, a potential default or there is a default; a demand letter being submitted we, we're reactive and we put it on the agenda... get what we need to get done. But the only thing that I think will because us an obstacle is getting our line moving. I just read I think 12 issues that surround the current leases that have been awarded, we're stuck at number six because that number six is the grandchild of the original applicant which a grandchild is not allowed to succeed a lease nor an application. Yes, there was a

recent passage of Public Law 37-74 but, absent the grandfather clause it doesn't apply to that. Because we're, we've already internally prepared the staff report to terminate application number six. We've exhausted everything we could do; we reach out to the legislature, although we do have another meeting in the coming days to express again the need for the grandfather clause to be included in, in the or the to amend the 37-74 to include the grandfather clause. Because what's going to happen now is that we have a lot of leases. One is already too much but we have more than one lease that has been succeeded by a grandchild who does have a loan guarantee who may receive a letter soon of the potential termination of their lease base on the action contrary to law. We still have the null and voids that are still floating that haven't been address. Many of them have loan guarantees also. Many of them have constructed a home with their own resources that will potentially also get a letter saying that their lease is null and void due ... the action that has that led to the lease award. If I remember correctly in Senator Tom Ada's last term with his last, the last year of his last term, there was a bill introduced resolve that, but there was no action taken from, and if I remember correctly, I think the physical note, the amount of liability that was there was upwards in the 20, 20 million or more. So, CLTC doesn't have that type of money in any of our funds to even pay for that liability.

Commissioner D. Herrera: Is that with the SBA loans that have been approved?

Acting AD J. Cruz: It could some that are included and it could be also some loans of Guam Housing.

Commissioner D. Herrera: Oh. I think Guam Housing said you guys have 14...

Edith Pangelinan (GHC): 40 to 42.

Acting AD J. Cruz: So, it, it's just to disclose really what we, we need to do and to get done, and to get our line moving. The MOU... I read it, there's nothing wrong with it and it doesn't mean that we can't; the board can't consider to approve it. But we just have to make sure we do our part that we don't transact any type of issuance of any loan guarantee that relates to the MOU. If you could approve it today, it could be there ready to be applied but it doesn't necessarily mean that when a constituent comes in and wants to, or requests for a loan guarantee that we're going to present it and allow you to make a decision on it. If you notice in the last few board meetings or even more than few board meetings, we've been disclosing every anomaly that surrounds the lease award so, so you guys are aware and so you guys make an informed decision. Also, just so you know, I've taken the position as the Acting Director now, not to cause a delay, but we're only signing documents relate to utility requests for humanitarian reasons. Verifications for Public Health and Guam GHURA, and eligibility determination documents. Anything that relates to a building permit, a survey authorization if there's an issue surround the lease award... I, I'm not signing it and it's no disrespect to anybody or not to delay the process. But I have to ensure that I do my fiduciary duties to ensure that my actions don't cause or increase the liability of the commission.

Commissioner D. Herrera: So, that is the award from the past, noncompliance.... [inaudible – coughing background]

Acting AD J. Cruz: Yes, out of 2,911 leases based on our query with the database there's really only 19 good leases.

Commissioner D. Herrera: Okay.

Acting AD J. Cruz: 19 good leases that were awarded within 8:00 to 8:07 pm and have board approval.

Commissioner D. Herrera: 8:00 to 8:07 is the first.... [inaudible]

Acting AD J. Cruz: The first nineteen (19).

Commissioner D. Herrera: How do we get to 19 when we're only stop at six (6)? But but you know that's another one.

Acting AD J. Cruz: The order that we're discussing about what we're working on is not necessarily they're place in line when they applied, but they're placed in line for the next lease award.

Commissioner D. Herrera: I see.

Acting AD J. Cruz: So, the first five (5) could be they applied 8:07, but really based on their stamped date or their place in line is, or cause they're next in line so....

Commissioner D. Herrera: Okay. Question on the grandchild. So, this Public Law 774 does not cover this number six (6)? No doesn't, right?

Acting AD J. Cruz: No.

Commissioner D. Herrera: Yeah, so to make that cover number six (6), we have to amend to do the grandfather.

Acting AD J. Cruz: We're, we're going to be discussing with Attorney Miller because what happen is when we go back to review that file, one thing we have to consider is because the time of the action there was nothing in place to allow for that type of transaction to happen right to name the child, the grandchild, and then CLTC to allow the grandchild to be named the successor. So, we're, we're looking at everything from all different angles. If we come in and we propose that we terminate the designation and it goes back to the original applicant who is deceased, we are, we are verifying and we need to seek the guidance of Attorney Miller whether the board can name a beneficiary to that deceased applicant.

Commissioner D. Herrera: Is number six (6) under the beneficiary's name?

Acting AD J. Cruz: It's under the grandchild.

Commissioner D. Herrera: The grandchild and the grandchild is alive?

Acting AD J. Cruz: I believe so.

Commissioner D. Herrera: Okay, so....

Acting AD J. Cruz: But given that there's the 37-74 since it, its application is enactment forward legally the board may have that opportunity to name that grandchild as the successor and then we move the

Commissioner D. Herrera: Public Law?

Acting AD J. Cruz: Yeah.

Commissioner D. Herrera: Can on the rules and reg break on the guide.... [inaudible]?

Acting AD J. Cruz: No, no, already the public law has authorized for grandchildren to be included in succession.

Commissioner D. Herrera: Okay, so we just got to do the grandfather ourself? We can do an approval?

Acting AD J. Cruz: We're, we're researching that. We hope withing the week we can determine that, we like I said, we still need to talk with Attorney Miller.

Commissioner D. Herrera: Okay.

Acting AD J. Cruz: If it is, but nonetheless, we, we already preparing and we're assessing the lease awards already for grandchildren who are not covered under the new Public Laws.

Commissioner D. Herrera: So, what is the best recommendation sir? Should we start a and start requesting for a to amend the law? Or under the guide of rules and regs?

AAG Miller: The very best thing would be for the legislature to take the existing law that they just passed and the governor just signed and just add a sentence which says...this law is retroactive to some date back then, and then, and then we're good and then all the grandchildren are now legal.

Commissioner D. Herrera: And that little sentence is not under our jurisdiction as Commissioners. Okay got it, it's to be a stature.

AAG Miller: Yes.

Commissioner D. Herrera: Okay good. Thank you, sir. Okay next.

Acting AD J. Cruz: So back to the

Commissioner D. Herrera: Okay, we're good thank you.

Madam Chair A. Bordallo: What, what defaults in the past... how did you guy's handle?

Acting AD J. Cruz: I do recall that there was one default that was paid in full by the commission. Other than that,

Madam Chair A. Bordallo: How much Joey?

Acting AD J. Cruz: I believe 67 or 47,000.00 within that range, 47 to 67,000. Other than that, we paid anything towards any default. It's recently that now we're getting inform ... well let me back step... we did receive some SBA demand letter for payment, but there wasn't anything done with them.

Madam Chair A. Bordallo: Why is that? Why?

Acting AD J. Cruz: I cannot say. I don't know, although I was working here, I wasn't a part of that, but nonetheless

Madam Chair A. Bordallo: Where do we stand with SBA on those?

Acting AD J. Cruz: There's a lot of... I, I, believe there's several accounts, I think upwards of like 15 I believe that have been classified as charged off. Meaning, SBA couldn't collect; it went through the U.S. Treasury service provider for collection. We're not sure but we have seen some loans that were transferred I guess three or four times. So, it started with Bill Bank and then it ended up with so many different companies and we get a letter from some other company. But, only recently for example like the next case that's coming up that we have been, that I know off or I've seen and I've held the document that we've been informed of default, aside from the three that

we just received last or two weeks ago. So, yeah that that's on like, like we were discussing about the draft. The draft, the draft is there really is no issue with the draft. It could be passed and put in place, but we just have to make sure that we don't inadvertently present a case to the board to provide a guarantee based on this MOU. If they're not the next in line or you know they're within their... the priority status of their date and time, and there's no other anomalies that surround their application. Because we have, we still have applications where applicants have switched their application date and time that still haven't been addressed. I want to say safely that there's about 200, so that also has to be addressed. If, if, they're not going to amend the law and all for that type of action then, then we need to resolve that before it's overlooked unintentionally when it comes time for a lease award. We have applications where applicants switch their application type whether it's from residential to agriculture or vice versa. The commission has accepted and approved that type of action. Speaking to Commissioner Herrera's question about unregistered, the commission has leased a lot of property to applicants on unregistered property.

Commissioner D. Herrera: 223.

Acting AD J. Cruz: A lot of them... like I said even one is already a lot but there is a lot that have loan guarantees and who had constructed homes; and speaking to the point of Attorney Miller and Commissioner Garrido, we do... there is potential for a liability for the commission to have to pay for if those leases are not addressed. If the anomalies that surround the lease award are not addressed, if those leases should be determined by the AG that they're null and void due to the actions that have led to their lease award, and the example we're always going to refer to is the 102. The CLTC allowed the applicants to switch date and times amongst each other. CLTC allowed a living applicant to transfer their application rights to another individual. The law is silent on those types of actions so the opinion came back. The law doesn't allow for it; it's not allowed. Those leases are null and void. So, we're, we're dealing with a lot in addition to our day to day and our projected projects and all this other stuff. But our primary mission is to get leases out for our residential then joint agriculture that... see, and it's no help to us if we don't have the mechanism or the tool to do so unless, we're going to take the stance and start preparing all these letter to terminate all these leases, all these applications then we're prepared to do so just by filtering the database.

Commissioner D. Herrera: For the record, when we started in 2018, with I think Director how many leases have we kind of know ratified that was 2018, 19,20, 21... years ago?

Acting AD J. Cruz: There is not many, not many not many new leases.

Commissioner D. Herrera: Five (5) maybe?

Acting AD J. Cruz: Five (5) to ten (10) maybe, maybe fifteen (15).

Commissioner D. Herrera: Residential?

Acting AD J. Cruz: Both, a mix. There wasn't many.

Commissioner D. Herrera: Okay.

Acting AD J. Cruz: Back to the MOU though, sorry for going off track.

Commissioner D. Herrera: I really wanted to add in the MOU right, the successor clause. It it's in here then well good so we can exhaust all the....

AAG Miller: The MOU address the successor issue.

Commissioner D. Herrera: Okay, alright thank you sir.

Acting AD J. Cruz: If, if passed, if accepted we just have to make sure internally that we don't we ensure that our is followed to the "t" in terms of.....

Commissioner D. Herrera: So, then this MOU still goes to the attorneys for.... And who's your attorney for...

Mary Guerrero (GHC): Guam Housing is Mr. Bronze, Jacques Bronze.

Commissioner D. Herrera: And then after that then it goes to the USDA's attorney?

Mary Guerrero (GHC): USDA's attorney and [inaudible] tapping on table

Commissioner D. Herrera: Okay. So maybe by next month, I don't know what's the timeline?

Commissioner E. Garrido: What is the accepted practice for lending institutions on determining delinquencies?

Mary Guerrero (GHC): For our loans, on note as recorded by a mortgage there's, there's a provision there when they would be there 10 days, it would already be deemed delinquent and the 30, 60. But, with the arrangement here, CLTC would always be notified when is delinquent so that, because of the restriction of who can assume the loan, who nets and all of that. We're going to, we're going to be relying on CLTC to make sure they give us, or like I said in the interim they can make the monthly payment. I think in this agreement I think they allow like a year that CLTC can make the payment. But it's really meant so that it, they would find another person to assume, to assume the ... or be processed and pay off that loan so that we don't have to touch the escrow account in the interim, because Rural Development in its initial processing would have to do their due diligence to make sure that all their underwriting policies met; and there's no there's not going to be any exception. They know that CLTC will come in and make the payment. They would still have to do their underwriting, their due diligence to meet their underwriting. Guam Housing will assist CLTC to make sure that these individuals are in fact they're in compliance with, with our Rural Development's underwriting. So, our role would be to help package it so we can submit it. The approval is going to be done by Rural Development but again, we will review on to on behalf of CLTC to make that in fact they've met the underwriting.

AAG Miller: Do you know, is it under the terms of the USDA Program? Is it customary for borrowers to escrow for taxes and insurance?

Mary Guerrero (GHC): They pay. I don't know if they changed it but they usually pay their own insurance and taxes. They don't have an escrow, so, but they monitor it. So, they will have to, because that would, that would be a safety net in the event there's a typhoon that they can replace. They can make the necessary repairs. If CLTC would like for them to show proof that they're always doing that, that's up to CLTC just to ensure that they are keeping their, their or you would like CLTC ... Rural Development to include those that do not have current insurance, have not paid their property tax as well as not making their payment you can ask them to include into their report.

AAG Miller: So, does USDA force placed insurance?

Mary Guerrero (GHC): I would hope so because I know in Guam Housing we will. We will need to think as protecting the interest of the lender as well. So, if we have to force placed it, we will force placed it.

AAG Miller: Force placed insurance means that under, under any home loan, the borrower has the obligation to keep the property, the house insured for at least the amount of the loan, and, and the insurance company is supposed to be telling the lender the insurance policy is paid up or the

insurance policy is not paid up. When the insurance policy is not paid up under the terms of the loan, the lender is allowed to do something called Force the placement of insurance.

Commissioner E. Garrido: Just like an auto, auto loans.

AAG Miller: Right, which is great if you're the lender. I will also note that the force placed insurance is about the most expensive kind of insurance that ever exists and so for a borrower who's, who hasn't been able to make the payment, you know on the homeowner's policy, they went out and got. Now you're going to ask them to make a bigger payment on a insurance policy that they don't really know anything about.

Acting AD J. Cruz: If I remember correctly, I believe before CLTC required insurance, but it was removed because it increased the amount, the monthly amount or the total cost amount of the constituent. So, at one point there was a requirement of insurance, but now I, I don't think it's there anymore.

Acting AD J. Cruz: So, back to the MOU. Would you like us to meet with Guam Housing and USDA and we'll further discuss the terms?

Commissioner E. Garrido: Yes.

Acting AD J. Cruz: Okay, we'll schedule a meeting, we'll call your office [Guam Housing staff], and Joe's [Diego] office, we'll figure it out.

Mary Guerrero (GHC): Okay, thank you.

Commissioner E. Garrido: But we also need to address Joey the grandfather.

Acting AD J. Cruz: Yes, I have a meeting tomorrow.

Commissioner E. Garrido: We need to amend; we need to amend the existing law to include the grandfather up all the way back 19..... what 90 or 89?

Acting AD J. Cruz: We'll be, we will be conveying that message and expressing the need for that amendment, and also all the other....

Commissioner E. Garrido: Because we don't know anybody prior to number six (6) who may also have a grandfather beneficiary. At least we don't know if at this point.

Acting AD J. Cruz: Yeah.

Commissioner E. Garrido: Maybe we'll find out in the next typhoon, but for now.

Acting AD J. Cruz: Yeah understood. We will, we will send a letter and personally go down and express the need for the amendment to take place, and to resolve of our other issues.

Commissioner E. Garrido: Do we need this in a motion form?

Acting AD J. Cruz: No. You're not deciding on anything, we'll just further discuss the terms of the MOU and we'll bring it back.

AAG Miller: We going to 6-C now?

Acting AD J. Cruz: Yeah, if madam chair; if you can consider moving item 6-C to the next item to be discussed. The ladies from Guam Housing are still here. We do have the named beneficiary or the individual who, who the original beneficiary had requested to transfer their beneficiary rights to. Ms. Carmen. Ms. Carmen is here also.

So, the next item for discussion is the item 6-C which is labeled Guam Housing/ Mr. Jose Munoz. Mr. Munoz is deceased; he had passed away I believe in 2020, and here today is Ms. Carmen who is the daughter of Mr. Munoz's sister, who is also the individual who Mr. Munoz's daughter had requested to transfer her beneficiary rights to Ms. Carmen. Today, this is being discussed because Guam Housing had sent us a letter, a demand letter, demand pay letter. Although there are two options within the act that the board can make or take, that is to pay the loan current and continue to pay monthly or to pay the loan in full. Although before you guys make that type of decision, we just want to give you a little history on Mr. Munoz's lease award. Mr. Munoz is an applicant of December 2nd, or December 5th 1995 at 12:42pm, which is outside again of the date and time first come first serve issuance. Mr. Munoz was issued a lease on unregistered property which again is another issue. Did we legally have the right to.... our act says that we shall not lease unregistered property, but we did; so, in lieu upon the death of Mr. Munoz, Ms. Carmen was making monthly payments that had stopped. We invited Ms. Carmen today to this meeting so she can appeal to the board and explain her situation, and why she had chosen to stop paying. So here today is Miss. Carmen.

Ms. Carmen: Well, I was paying for a good three (3) years, but I didn't get any update from CHamoru Land Trust whether it's going to my name. Even though I was you know, the beneficiary gave to me, you made me the beneficiary. Every time I came in or called, I never got an update. There was still hasn't been to the board, it still hasn't been to the board. So, I felt that, I already spent \$11,000.00. If I going to spend more and then you going to deny it, that's a waste of my money. I could use that to get a loan for a house, another house you know. That's why I stopped paying.

Ann Marie Pelobello: I, sorry I am Carmen's sister and I've been listening to you back and forth in regards of this situation, well anyways the reason why she stopped paying as she mentioned because of the fact that the water, the power; she can't even hook up anything under her name. You know under water and power, she's continuing to pay the water bill, and with like you said, every time we come in to get some information, there's no updates.

Ms. Carmen: I even tried to get an authorization to hook up the power in my name, they can't give me it.

Ann Marie Pelobello: They asked for death certificate, brought the death certificate, brought some information that's requested and still nothing. so yeah, you know just to bring it up, I mean she's taking care of the house, she's making sure and she was willing to continue with my uncle's monthly mortgage so it doesn't default but like she said too if she needs to pay it and all of a sudden, the land is just taken away, everything is taken away, what's the outcome? The last thing we want to do in regards of CHamoru, we want to help support each other, but we also need your help in us or for them to move forward.

Acting AD J. Cruz: So today, this case is being presented to the board for your disposition on how you would want to address the demand letter for payment from Guam Housing. Like we mentioned there's two (2) actions that could be considered. We make payment and keep to bring the account up to date and continue to pay, or the board decides to pay it in full and that's that, and unfortunately I, we won't, we would recommend holding off on deciding any type of conveyance of successorship for the main reason that we still don't have the tool or the mechanism to correct the issuance of the lease prior to the applicant state and time and also because the property is on unregistered property. The lease is on unregistered property.

Commissioner D. Herrera: Who was the beneficiary posted? Under whose name?

Acting AD J. Cruz: The original beneficiary? [question to Ms. Carmen]

Ms. Carmen: The original beneficiary was my mother and then the daughter came up from the mainland; had the dad changed to her name Grace, and then Grace when found out that the place was not paid for, you know still making monthly payment, she decided to ... she was told to get a notarized statement that she.... who's giving back to? My mom or me? So, she gave it back, she put it to me, as the beneficiary.

Commissioner D. Herrera: From your mom to you?

Ms. Carmen: No from Grace to me.

Acting AD J. Cruz: Grace is the daughter of Mr. Munoz. The daughter came back.

Commissioner D. Herrera: Then from Grace to... this is Grace?

Ms. Carmen: Carmen.

Acting AD J. Cruz: Ms. Carmen.

Commissioner D. Herrera: Okay so if the land is unregistered and it's got a Guam Housing loan? Right?

Ms. Carmen: Yes.

Commissioner D. Herrera: And the Guam Housing original loan mortgage is about x amount of dollars, and there's x amount balance?

Acting AD J. Cruz: Could you provide a.....

Commissioner D. Herrera: Just in a nutshell, just in a nutshell so.....

Madam Chair A. Bordallo: How much.

Mary Guerrero (GHC): How much to which one we want to pay current? Or, or the, the balance to pay off? There's two.

Acting AD J. Cruz: Both, if we can get both.

Commissioner D. Herrera: Okay so if we pay the balance off then she can still.....

Madam Chair A. Bordallo: Let's see first how much.

Commissioner D. Herrera: 2.3 million [joke]

Madam Chair A. Bordallo: May for the other loans.

Commissioner D. Herrera: Money, money, money [joke]

Madam Chair A. Bordallo: Everything is money.

Mary Guerrero (GHC): Okay, to bring current we are looking at 8,460.00 that's just to bring current up to May of this year.

Commissioner D. Herrera: So, so today now that we know that the property is unregistered, how does that inter... affect the lease that's in.... [inaudible] I mean we can ask. Right legal? We have a... was that we have a ninety (99) year lease with... is that a thirty (30) year at the time?

Mary Guerrero (GHC): The loan is for 30 years.

Commissioner D. Herrera: Okay and then now they discover that it's unregistered. How do we approach that lease, disjuncture now?

AAG Miller: Well, I, I mean, do you get Lenders Title Insurance?

Mary Guerrero (GHC): Yes, we do.

AAG Miller: Have you approached the title insurance company about why they issued you an insurance policy on an unregistered land?

Mary Guerrero (GHC): I didn't even see that they've noted that it is an unregistered. I think it's just recent as last week, two weeks ago that you [inaudible]... an unregistered.

Acting AD J. Cruz: Yesterday. I told you yesterday.

Mary Guerrero (GHC): Yesterday, he told me all that. I tell you I didn't have problems with the borrower. He has made his account...

Commissioner D. Herrera: And, and that, things recorded?

Mary Guerrero (GHC): The lease?

Commissioner D. Herrera: Yeah.

Mary Guerrero (GHC): Yes.

Commissioner D. Herrera: And they did not have that it was unregistered.

Mary Guerrero (GHC): This, this was prepared by CHamoru Land Trust; the lease.

Commissioner D. Herrera: And it was recorded?

Madam Chair A. Bordallo: [inaudible] ... a lot of mistakes...

Commissioner D. Herrera: Yeah, I know, we're trying to find out to resolve it right? Because...

Madam Chair A. Bordallo: Well, there's only one way to resolve it pay the \$40,000.00...

Acting AD J. Cruz: \$30,000.00.

Madam Chair A. Bordallo: \$30,000.00, but the \$10,000.00 may have to go to the \$30,000.00 on the probate?

Acting AD J. Cruz: Just the \$30,000.00 in total what Mary had that would be.

Commissioner D. Herrera: Coming from the \$500,000.00?

Acting AD J. Cruz: From our loan guarantee. Well recently, we were appropriated money for the return of what was taken in 2017, so we can use that part to pay.

Mary Guerrero (GHC): Or you can work with the beneficiary that's, but that has been accepted or approved by CHamoru Land Trust.

Angela Camacho (GHC): Taking action on property that's not registered and date and time is not right and.....

Mary Guerrero (GHC): It's still executed, it still hasn't been approved by CLTC. We're just trying to make it work. You know we're; we're trying to ensure that in fact if the house is being occupied and you have that choice to rent it so that it pays for itself and...

Commissioner E. Garrido: No. We're not in the business of renting.

Mary Guerrero (GHC): Okay, okay so

Commissioner D. Herrera: So right now, the property is unregistered right so that would be the function of our legal. If the occupant decides to hire their own legal to search and register the property, do we pay for the legal? I mean if Mr. Miller's overloaded or preoccupied? Can the let's see.... Hire an attorney?

Acting AD J. Cruz: They, they're more than welcome to.

Commissioner D. Herrera: Is that compensate..... compensable to.... because their attorney would be doing us some of the leg.

Acting AD J. Cruz: I think they'll be suing us in a sense if they retain an attorney. It will be a lawsuit against us if the client should prevail and the court awards the judgment of attorney fees, they we also pay.

Commissioner D. Herrera: I'm just asking that because you know we have 223 listed unregistered.

Edith Pangelinan (GHC): The process is I believe through Department of Land Management.

Commissioner E. Garrido: The awarding of attorney fees, that's usually based on a third party damaged right? Damage from a third party.

AAG Miller: It's, it's... I haven't, I haven't looked at the exact terms of your lease or the exact terms of the loan document. It's customary in a that in a contract you include language that says if there's a dispute amongst the parties, the party that prevails gets to force the losing party to pay their attorney's fees. So, that if, if either your lease or the loan documents of follows the custom, then the loser is going to pay.

Acting AD J. Cruz: And clearing we might lose so....

Edith Pangelinan (GHC): At the same token though, I don't think that the action was taken to give the lease to Ms. Carmen yet right. It's still in the daughter Grace

Acting AD J. Cruz: The lease is still in Mr. Munoz.

Edith Pangelinan (GHC): Even Mr. Munoz we haven't gotten to.

Commissioner E. Garrido: The lease is still entitled to Mr. Munoz, right? The deceased?

Acting AD J. Cruz: Still in his name.

Edith Pangelinan (GHC): It's in his name.

Commissioner E. Garrido: And his beneficiary did not want to take over the property.

Acting AD J. Cruz: The beneficiary changed a couple of times.

Commissioner E. Garrido: Which is the correct beneficiary?

Acting AD J. Cruz: As a matter of request Ms. Carmen. Because it went... Mr. Munoz had named his daughter or his sister which is Ms. Carmen's mom. Mr. Munoz came in to change it to his daughter, and then his requested to transfer the beneficiary rights to Ms. Carmen.

Commissioner E. Garrido: But did Mr. Munoz transfer it to Ms. Carmen or request for it to be.

Acting AD J. Cruz: he died already.

Commissioner E. Garrido: So, there was, that, that's invalid. That last part there is invalid.

Edith Pangelinan (GHC): Everything from after Mr. Munoz is invalid because the board didn't... none of that..... [inaudible- voice volume low]

Commissioner E. Garrido: Because that unregistered property. That lease should have never been signed.

Edith Pangelinan (GHC): But it was, but it was.

Commissioner E. Garrido: But that doesn't make it right.

Ann Marie Cabello: So how are we going to make it right?

Acting AD J. Cruz: Ask the board.

Commissioner E. Garrido: We need to.... This, this is not an easy fix.

Ann Marie Cabello: I know but this is, I know all these things are much

Commissioner E. Garrido: If we're going to follow the letter of our, our law, our regulation that lease is invalid.

CLTC Staff G. Eay: It should be the name successorship original.

Commissioner E. Garrido: No, it's invalid because it's unregistered property.

CLTC Staff G. Eay: Oh yeah. Bottom line.

Commissioner E. Garrido: Yeah, that's what I'm saying.

Edith Pangelinan (GHC): I think we can own the [inaudible], what the commission had done.

Commissioner E. Garrido: But everything beyond that we can say we own it, but does the law allow us to own it?

Acting AD J. Cruz: Based on title no we don't' it. The Government of Guam does no own it.

Commissioner E. Garrido: I mean I wish we had that flexibility alright, that's part of what I spoke about today.

Madam Chair A. Bordallo: All government land belongs to CHamoru Land Trust.

Commissioner E. Garrido: No.

Madam Chair A. Bordallo: Yes.

Commissioner D. Herrera: Yes.

Edith Pangelinan (GHC): Unless it's, unless it's identified.

Acting AD J. Cruz: Returned by law.

Commissioner D. Herrera: And if they don't, it returns back to the CHamoru Land Trust. That's what the Chair is saying. If they don't apply or use the property that's listed on that 2218, it's like....
[inaudible – not close to the mike]

Angela Camacho (GHC): But I think there's also, I think what I'm saying is that there's also property under GEDA for example, under Guam Housing Corporation, so not all government of Guam....

CLTC Staff G. Eay: There's an assign list.

Acting AD J. Cruz: But the property that's the house of Mr. Munoz built with the money borrowed, it's not titled to anybody because it's unregistered.

Ms. Carmen: So, do we go to Land Management to request for it?

Commissioner E. Garrido: This is out of the scope okay, but I'm just bouncing around my head since it's unregistered land can she go into Land Management and register it under her name? It's not registered.

Acting AD J. Cruz: It has to go through court process. It has to be declared and title by a judge and DLM normally take the lead.

CLTC Staff G. Eay: For the land registration.

Acting AD J. Cruz: With the assistance of the AG's office. If they have to file a petition, all kind of papers; we here through the process serving just like a whole lot of work in that.

Commissioner E. Garrido: There's no easy answer and I don't really want to a proactive step, either going forward or going back at this point in time. I know our Guam Housing would say otherwise because the interest keeps accruing on it and the legal fees, and soon, soon what's owed in the property is going to be worth than the property initiatively.

Mary Guerrero (GHC): we had... few months ago just to see. We only did it on the improvement, not, not a lot and it is adequate at this point. What we would need in order for us to... for us as a lender to protect our interest... because in our policy we do get a title insurance policy for this whole process and in the event, there's a defect. If the insurance was issued and there was a defect that was not disclosed and it was only yesterday that I was only yesterday that I was advised that it's an unregistered property. In order for our legal counsel to take any kind of action, we need to.... we need a statement; a memo from CLTC that it has surfaced or determined that the property is, is

unregistered and don't own it or whatever, whatever the case may be so that we can we can determine what would our next course of action be, but....

Commissioner D. Herrera: So, we don't have a title insurance on this one? You guys got a title?

Mary Guerrero (GHC): In favor of Guam Housing, that the lessee paid for because it's a requirement.

Commissioner D. Herrera: And it's insuring the building and property?

Mary Guerrero (GHC): Insure for the amount of the loan or whatever the balance may be.

Commissioner E. Garrido: Does title insurance ensure that there will be no third- party claim on the property?

Madam Chair A. Bordallo: That's right. You should declare the name of the owner of the property.

Mary Guerrero (GHC): Right, so they did the research and they you know that whatever is public even court documents, and the one that was recorded is a lease that was executed by CLTC. It was signed by the Administrative Director at that time to include the governor and the lessee. So, there is a valid lease whether, whether the land is unregistered or what....

Commissioner D. Herrera: The title, the title company didn't get the condition of the Superior Court; right, that's the missing link because if they did, they would have found that this property is not registered. So, so they

AAG Miller: There are, if I may Madam Chairman and members; there's two separate problems here...

Commissioner E. Garrido: There's more than two.

AAG Miller: In front of you today, there's two separate problems; is how, how does Guam Housing get paid and then the completely separate issue is what is the future of the claim on this particular property. As I trust Guam Housing has come to understand it's going to be a long time coming before the CHamoru Land Trust.... and the climate to the property can settle her entitlement to the property where and I, I see no reason why we can't in short order, give you a letter that says upon further analysis lease number... whatever was taken on a unregistered piece of property.... CHamoru Land Trust, it is illegal for CHamoru Land Trust to lease unregistered property. It's, It's,that's a nice simple statement in the law already and then your Counsel and your title insurance company can figure out where to go next so that, that takes care of them, and then we'll spend quite some time going forward. But at least the, the loan is been addressed.

Commissioner E. Garrido: That's, that's band aid fix for now.

AAG Miller: Yes.

Commissioner D. Herrera: Did you submit an application?

Ms. Carmen: Yes.

Commissioner D. Herrera: Also, you have an application form?

Acting AD J. Cruz: She was the name... beneficiary by Mr. Munoz's daughter.

Commissioner D. Herrera: But not an applicant from way back?

Acting AD J. Cruz: No, no just the process for succeeding a lease without paying. So, she submitted an application, but she didn't have to pay.

Commissioner D. Herrera: Oh okay. So, what do we do Madam Chair?

Acting AD J. Cruz: Just remember we have many, many lessees on unregistered property. Today, if you decide to...

Commissioner E. Garrido: Set up a standard.... that opens the door.

Acting AD J. Cruz: And you know since there has been no action, and we know that they're there and it's unregistered and we're allowing them to continue to stay there. That should also be extended the desired name beneficiary of Mr. Munoz. So, if Ms. Carmen should come in tomorrow and request utility authorization based on the humanitarian reasons we're going to give Ms. Carmen a utility authorization.

Commissioner D. Herrera: On that clause, on that humanity?

Acting AD J. Cruz: Based within that authority, because she... the desired name beneficiary. Although the lease hasn't transferred, but we have been giving beneficiaries who have been named and who are waiting to succeed the lease, utility authorizations based on humanitarian reasons cause they're currently staying there for whatever reason, their power or water gets disconnected; it's needed to reapply but for any other type of improvements like surveying building permit authorization, we have taken the position like I mentioned earlier that we're not going to sign those documents.

Commissioner D. Herrera: Was the property..... [inaudible]

Commissioner E. Garrido: Well, she already got a structure in the property.

Acting AD J. Cruz: Yes, yes but just to explain our position and, and what we're taking and what we're doing. We just thought that it's right that we remind the board that Miss. Carmen one of many that are experiencing the issues.

Commissioner E. Garrido: I'm sorry Carmen you know your situation is a dark side of what happened with this commission. Not, not us per se, but people that were here prior to us. I wish there was an easy fix and I'm listening very closely to these two because they're giving me tidbits of how we can try and resolve it. I'm not against what Mr. Miller said about CLTC providing some sort of letter to Guam Housing. Because they have, they have their.... we don't want to have to; at the end of the day, we have to pay for the property. I don't want to have to pay three (3) times the amount of what the property initially was mortgage for and at the same time, I, I can agree with Joey's perspective that through humanitarian reasons that we allow you to turn; have the power turn on and the water probably because you can live without power, but you need water.

Ms. Carmen: Yes, I still have water. Yeah, I've been making sure that you know like I said, I can live without power. I'm going solar.

Commissioner D. Herrera: So, you have water?

Ms. Carmen: But I continue to have water.

Commissioner D. Herrera: Question Joey, she would be a grandchild, right?

Acting AD J. Cruz: Niece.

Ms. Carmen: Niece.

Commissioner D. Herrera: Oh, and the niece is covered on the original successor....

Acting AD J. Cruz: Niece of the sibling of the deceased.

Commissioner D. Herrera: Okay, she's in that.... Question, if she's the technical.... You know, lessee now, right? and if the property now is a unregistered, if she make a claim through attorney general that this property now is null and void, and wants to make a claim; get the compensation and move to another property so she can start her life and leave that property with the issue, and attorney general or the Trust states that

Commissioner E. Garrido: She's not the...

Commissioner D. Herrera: Let me finish, sir, sir can I finish?

Commissioner E. Garrido: I'm sorry.

Commissioner D. Herrera: You got the.... [inaudible]

Acting AD J. Cruz: Well, she's going to have to go to court for that. But...

Commissioner D. Herrera: But to the attorney general that's ... [inaudible]

Acting AD J. Cruz: Maybe attorney general should speak to that.

Commissioner D. Herrera: Sorry, sorry

AAG Miller: That we, I ... it'd be inappropriate for me to provide you advice at the moment without working through all the, all the pieces and parts of both her individual claim to the lease as well as the you know the, the larger issue about you know, what, what compensation for you know.....

Commissioner D. Herrera: Somebody property with incumbrances.

AAG Miller: Who perhaps in good faith. We don't know how it is that her grandfather wound up with that lease. But somehow, somehow, he did and I don't know how a court would look at that and say you know what's fair.

Commissioner D. Herrera: So, we take it one more step forward. Let's say that the court makes a judgment in her favor and the government compensates for that particular expenses on that asset and then she can move on to another property that's, that's clear and ...[inaudible]

AAG Miller: Well, I think what's probably more likely is for the court to say, you know; I know what the law says, but because it was the government that screwed up and Ms. Carmen and her relatives have always done the right thing. So, even though the law says can't lease the unregistered property, you know this, that or the other thing, because her family has always done the thing, we'll just let them stay for the rest of that lease.

Commissioner D. Herrera: On the unregistered land?

AAG Miller: And they'll tell, they'll tell CHamoru Land Trust they'll register.

Commissioner D. Herrera: Okay, and then when we go to the registration process then we find an original land owner, an ancestral land owner that has claim to that property. Now we go to, to next year. No, no seriously right... because this is a life of an individual. I know we can joke about it but she's not. She was crying.

AAG Miller: I, I understand that.

Commissioner D. Herrera: Yeah good. Here we got homes and we got water, and we got central air but, but this is the issue that we have.

Commissioner E. Garrido: How is that obstacle of not being the designated heir for that lease? How's that going to place? You know we're looking at bits and pieces and trying to see how we can work it, but we have to look at the, the total obstacles involved.

AAG Miller: Absolutely, and I, I think as your colleague points out I think you know the largest obstacle might be if, if a registration claim were to go forward and a, another ancestral claimant were to come forward and say no you know my great grandfather has, has a claim to that and then we're really in a pickle.

Commissioner D. Herrera: Then we go to ancestral land; that particular part you with the improvement to ancestral land. Okay thank you sir.

Acting AD J. Cruz: If I may, how...just for our file, how long has the applicant or the lessee been in arrears in years?

Mary Guerrero (GHC): When... from the time he passed away.

Acting AD J. Cruz: So, three (3) years?

Mary Guerrero (GHC): Ms. Carmen was the niece, was paying for it because she was residing in it. But I believe she was advised by CLTC to see that she may not be entitled because it is unregistered. So, she sees she didn't want to put anything further into paying that but she was continuing to pay on behalf of her... until she was advised by CLTC that it's unregistered and that she....

Acting AD J. Cruz: When was your last payment?

Ms. Carmen? Sometime last year.

Acting AD J. Cruz: Was it recent or towards the beginning of last year?

Ms. Carmen? I think March of last year.

Acting AD J. Cruz: March last year? So, March to now is over, over 14 months.

Ms. Carmen? Yeah.

Acting AD J. Cruz: Okay, and you were just informed two months ago of the default, right?

Edith Pangelinan (GHC): [inaudible].... foreclosure because... so we had a moratorium on foreclosures after the typhoon. So, come October that was lifted.

Acting AD J. Cruz: Okay, so that was 14 months. We just, we're going to put it in our files. That's all.

Commissioner E. Garrido: Madam Chair I would like to put a motion on the floor that we allow Mr. Miller and Mr. Cruz have a... first of all to research the data on this particular case and have a conference with Guam Housing, and we'll see where we can go from there. I don't think we'll be able to resolve this at this point in time. There's a lot of unanswered questions floating around, and I, I think we just more time to try and come up with some sort of solution to try and remedy the situation.

Commissioner D. Herrera: May I add, how, how do we address the occupant for now? We should continue to occupy?

Commissioner E. Garrido: We need to have our people down with...and then we can see if we can. Because our Attorney Miller is not going to give us a definite answer because he doesn't know all the details of what has transpired. Alright, and Guam Housing is missing some information which they just got recently and vice versa.

AAG Miller: I think... excuse me sorry; Mr. Herrera to your point I, I don't think anybody's over here is going to move the ...

Commissioner E. Garrido: No, we're not. My motion is not to kick her out or anything. It's, it's to further study the situation to see if we can come out with an equitable, a solution.

Commissioner D. Herrera: So, status quo for this ...

Angela Camacho (GHC): Could you put a time on this because we already forward to legal.

Edith Pangelinan (GHC): We forwarded this to legal already... it's in legal's hands. I extended the foreclosure another 30 days, which come the 24th. That's why we're here today to find out. So, what is established? Can you continue paying or pay it off. So, that's the two options that's on the table.

Commissioner D. Herrera: Right.

Commissioner E. Garrido: I don't, I don't even know if CLTC is authorized to, to pay at this point.

Mary Guerrero (GHC): But we are asking, but what we are asking for a time.

Angela Camacho (GHC): A hard deadline on the meeting, the conversation....

Acting AD J. Cruz: We can set up an appointment for Monday.

Edith Pangelinan (GHC): But it does not stop the interest and all...

Acting AD J. Cruz: Understood, but there may be a possibility you may be able to claim on your title insurance.

Angela Camacho (GHC): But we need to, we need to also on our side make a decision because it's with legal. There was supposed to be a foreclosure action on the loan.

Acting AD J. Cruz: Understood. It's up to Attorney Miller. Monday at 10:00 am, are you good?

AAG Miller: Sure.

Acting AD J. Cruz: What, what will happen so at least they know if the foreclosure proceeds.

Mary Guerrero (GHC): Then at least.... I'm not about the land improvement.... [inaudible-tapping on table] may have removed off course bar..... [inaudible-tapping on table], so GHC may have ... [inaudible-tapping on table] something improvement, just like how Mr. Munoz had that interest so because he conveyed his interest in the deed if there is a default, then [inaudible-tapping on table] may have that interest pass on to that.

Commissioner D. Herrera: On the Guam Housing loan is there a life insurance with the loan? Is it optional?

Mary Guerrero (GHC): Not that I'm aware. They're not obligated to do that. I, I believe at one-point CLTC was requiring it.

Acting AD J. Cruz: We were.

Mary Guerrero (GHC): but they were saying that it wasn't in to action. Yeah, that they didn't... would be equitable for them to all, so I think it no longer.

Commissioner D. Herrera: Okay, thank you so much.

Madam Chair A. Bordallo: Motion second.

Commissioner D. Herrera: She was asking if a motion is there. She was asking.

Commissioner E. Garrido: Yes, I made a motion.

Commissioner D. Herrera: Yes, she was asking because they didn't hear it.

Commissioner E. Garrido: A motion to give more time so that Attorney Miller and the Acting Administrator, Mr. Cruz can sit down and review the, the details of this situation and get with Guam Housing to see if we can remediate by finding some sort of solution that's equitable to everyone involved.

Commissioner D. Herrera: And for the occupant to continue...

Commissioner E. Garrido: Everyone involved.

Commissioner D. Herrera: Okay.

Acting AD J. Cruz: Second, is a second?

Madam Chair A. Bordallo: What? Are you going to second it or not?

Commissioner D. Herrera: Yes, I second the motion.

Commissioner E. Garrido: Nobody heard it.

Madam Chair A. Bordallo: All in favor say aye.

All: Aye.

Madam Chair A. Bordallo: Motion carried.

Commissioner E. Garrido: Madam chair, may I request a 5- minute break?

Acting AD J. Cruz: I think 10.

Commissioner E. Garrido: 10 minutes break.

INTERMISSION

2:44:41 – 3:00:01

Madam Chair A. Bordallo: Ready. So, we're number...

Acting AD J. Cruz: Letter B yes. So, Madam chair the next... Jo are we ready?

CLTC Staff J. Casem: Yes

Acting AD J. Cruz: The next item for discussion is 4-B which is the Guam Power Authority MOA for Lot 7054-R9. Representing GPA, we have today, Attorney Mariane Woloschuk.

M. Woloschuk: Good afternoon.

Acting AD J. Cruz: We did provide.... I'm not too sure if this was the most recent copy to the board; although we did receive a revised MOU version; I believe yesterday or the day before. After speaking with Attorney Miller, we have only one (1) concern which is the removal of the general liability insurance will indemnify CLTC. The... our concern of the environmental issues that may arise during the period of the MOU has been addressed. It's just the removal general liability insurance.

AAG Miller: Madam chairman, members, and I'll let Ms. Woloschuk speak to this in more detail. We have been going back and forth over the details of the particular agreement as Mr. Cruz indicated, we are relatively satisfied on the language which requires Guam Power Authority to return the land to the trust in the exact same condition in, in which they found it. Staff does have a lingering concern whether there should be an ongoing requirement to maintain insurance to protect the trust that in fact the land will be returned in the same condition it was found. At the same time as I understand it Guam Power largely self-insurers for this risk, so I'll, I'll let Ms. Woloschuk talk in more detail about exactly what level of comfort Guam Power is able to give you that you're really going to get your land back neat and tight.

M. Woloschuk: Yes, that right. We are self-insured because we're the government so we don't buy insurance for these things. What we can do is assure you in our recitation of our obligations, that we will meet our obligations. We will clean up the land before we leave. We have proven history of doing this, so it, it's not like this is the first time. In fact, the project that we need this land for instance, there was already a piece of land that another party was using and we had to clean it up before they could begin installing their equipment there, and, and that was done. So, this is something that we are prepared to do and I did send over another draft I think just a day or two (2) ago; and it did add to the recitation of obligations. So, hopefully that covers it. It says that we will return the land in the condition, in the same condition or better. So, it'll be in the same condition or better. We will be responsible for environmental cleanups; we will abide by the paragraph dealing with the environmental liabilities which is paragraph seven (7). So, the additions were to paragraph three (3), I think 3-C, D and E. So, we, we added somethings there to make up for not buying insurance for this, because that's not something we do in a government-to government agreement. Okay.

Acting AD J. Cruz: Madam chair if I may, how in the even god forbid anything should happen during the usage aside from environmental concerns or issues; how or what will indemnify CLTC from sued from anybody? I'm just thinking outside of the box. So, for example... we are the owners or the administrators of the property, GPA is going to put a substation or whatever type of energizing equipment there, and someone should enter the property and get electrocuted; does CLTC... because of where... the landowners be sued or could we potentially be sued?

M. Woloschuk: So, in, in a case of something like that.... Commissioners, I, I would point you to, to the government claims act. So, any individual who is harmed by an act of negligence of the government would sue the governmental entities, so if they did suit, the Land Trust Commission... you would obviously bring in GPA because we would be a party to that as well; and then responsibilities would be decided the court as to who, whose negligence caused it if indeed it was caused by negligence. Also, I, I want to point out we're not going to be putting any energizing equipment there. We're not building a substation; we're just using it as a staging area for the temporary power project. We, we just need to someplace to put some generators until we can move them to a different area of the island, and until we can decide what to do with them, whether we should repair them or dispose of them, or fix them up or refurbish them. So, this is what we're planning to do with the land. There're no plans to put anything electrified there or, any, anything of that nature.

Commissioner D. Herrera: So, these are generators in a mobile container like on a trailer or is it going to be grounded?

M. Woloschuk: So, they, they would be non-operational. They are not going to be operating there as generators. It's just a staging area; we just need someplace to store these things until we can move them to where belong.

Commissioner D. Herrera: I see.

M. Woloschuk: So, like that, that's what we're hoping to do with this.

Commissioner D. Herrera: And it's a diesel generator?

M. Woloschuk: Sorry?

Commissioner D. Herrera: it's a diesel power?

M. Woloschuk: They are diesel generated.

Commissioner D. Herrera: And they're fueled with diesel? They have fuel in it? I mean is it empty or is it fueled? I'm just checking just for environment you know.

M. Woloschuk: I'm, I'm not sure if they're empty or fueled, but I have a feeling it's easier to move one that's empty than one that's fueled and to actually reuse the fuel in, in another place, so it's probably not a good use of diesel fuel to leave them in generators are sitting foul, ... fallow..., sorry.

Commissioner D. Herrera: Fallow means hollow?

M. Woloschuk: Means not in use. Like a fallow land that you're not farming it at that time.

Commissioner D. Herrera: These are brand new generators?

M. Woloschuk: The ones that we are moving into this are, they would be older and the ones that we have... because they are making way for the new ones. This is the temporary power project that was in the news kind of recently. This, this is to avoid having load shedding during the summer.

Commissioner D. Herrera: Okay.

M. Woloschuk: There, there's a pretty comprehensive paragraph seven (7) dealing with environmental issues which Mr. Miller drafted and added to the, to the MOU, so that, that spells out a lot of our responsibilities you know, and paragraph three (3) refers to that paragraph and says that we will do our part to, to take into account for the environmental responsibilities and we will meet.

Commissioner E. Garrido: Mr., Mr. Miller included asbestos? I'm not sure....

M. Woloschuk: Is that in paragraph seven (7)?

Commissioner E. Garrido: Yeah.

M. Woloschuk: Commissioner okay, yes so, yes, I, I believe he did. It's, it's just in case I think Mr. Miller a cash all and put everything in there that he could possibly think.

Commissioner E. Garrido: Still utilize TCB?

M. Woloschuk: No, those, those have been prohibited for some time now.

Commissioner E. Garrido: Now prohibited new product, but what about on....

M. Woloschuk: So, the generators that were moving there didn't, those aren't transformers. They don't have TCBs. So just to put, put your mind at ease we're not, we don't have anything toxic of that nature.

Commissioner E. Garrido: And, and nothing that toxic will be stored on that site?

M. Woloschuk: No, no.

Commissioner E. Garrido: But, you're right TCB comes to transformers.

M. Woloschuk: Yes.

Madam Chair A. Bordallo: Well, it's for three (3) years.

M. Woloschuk: It is for three (3) years chairman, chairwoman, chair, Madam chair, because it's to cover the period of the temporary power project, and also you know, a little bit of a buffer in case we need to extend that project, or in case we need some extra time, and in, in return there will be a three (3) year benefit to CLTC properties as stated. That's what the agreement is about; it's to bring power to some.....

AAG Miller: You're not a charity.

Madam Chair A. Bordallo: No.

M. Woloschuk: Yeah, yes, it's to bring power to some areas right now that don't any, and to make them more habitable and just easier for the folks who want to live there.

Commissioner E. Garrido: And this MOA is worth Two Hundred Twenty-Thousand dollars (\$220,000.00)?

M. Woloschuk: Like that, that would be the market value of it, but there's not actually going to be any money changing hands. It's going to be an, incline, incline exchange.

Commissioner E. Garrido: That's the value exchange?

M. Woloschuk: That's about what the value is...

Commissioner E. Garrido: Are you sure?

M. Woloschuk: Yes, we, we would say that's the value.

Commissioner E. Garrido: Because, I thought we.... I thought you guys were saying 190.

M. Woloschuk: Yeah, 190. Yeah 190 it's around 200.00

Commissioner E. Garrido: I said 220.

M. Woloschuk: Oh, did you say 220? Okay.

Commissioner E. Garrido: That's, that's great to...

M. Woloschuk: You, it's, it's whatever is in the agreement is about 190. That's, that....

Commissioner E. Garrido: I think I can push for 200, but you guys keep saying 190.

M. Woloschuk: We figured out that, that's the... that would be like the market rate if we were to pay you rent. So, if we were paying rent, that's, that's the price we would pay. But, instead of paying you money, we are giving you a different kind of benefit that's worth about the same which is to provide some energy and electricity to I think six (6) plot, plot parcels of land in another part of the island.

Madam Chair A. Bordallo: What is the size of the property?

M. Woloschuk: Sorry?

Acting AD J. Cruz: I think about 3 acres.

CLTC Staff G. Eay: About 3 to 5 aces.

Acting AD J. Cruz: Between 2.5 and 3 acres. But like I mentioned after Attorney Miller and I reviewed everything has been addressed. So, now it's just up to the board to decide.

Commissioner E. Garrido: Are you sure you didn't mean 220? I haven't voted yet.

M. Woloschuk: It, it is 190, but it actually may end up being more valuable to you. Who knows.

Commissioner E. Garrido: It is. We're in an island and land is very limited. It's not growing.

M. Woloschuk: And, and electricity is also a valuable resource.

Commissioner E. Garrido: The only exceptions to the island since World War II was the glass break water and Paseo, that was not there before the war. Yeah, I'm pushing...

Madam Chair A. Bordallo: It's got to move.

Commissioner E. Garrido: Madam chair may I put a motion on the table?

Madam Chair A. Bordallo: Sure.

Commissioner E. Garrido: I move that we, with permission from our legal counsel that we go ahead and ratify this Memorandum of Agreement.

Commissioner D. Herrera: I second the motion madam.

Madam Chair A. Bordallo: All in favor say Aye.

Acting AD J. Cruz: Madam chair can you be more specific what MOA.

Commissioner E. Garrido: MOA between CLTC, and let me put my eyes on... and Guam Power Authority for the use of CLTC property up there in the Yigo area Lot 7054-R9, Municipality of Yigo for a period of three (3) years.

Madam Chair A. Bordallo: And in time how much?

Commissioner E. Garrido: It's not mentioned.... I don't want to put that on the recording.

Commissioner D. Herrera: Second the motion madam. End of discussion.

Madam Chair A. Bordallo: Yeah, end of discussion. No discussion. All in favor all in favor say aye.

All: Aye.

Commissioner E. Garrido: Now we won't be seeing you.

Acting AD J. Cruz: We, we'll prepare the final document then we'll send it for the General Manager's signature then we'll have our Chairperson sign.

M. Woloschuk: Thank you very much commissioners this is really appreciate it. This, this will really help our temporary power project and it'll help it get off the ground, and hopefully no load shedding this summer.

Madam Chair A. Bordallo: Oh good.

M. Woloschuk: Thank you so much.

Madam Chair A. Bordallo: You're welcome.

Commission Director E. Garrido: When they getting back?

M. Woloschuk: I think in a couple of weeks.

Acting AD J. Cruz: Madam chair, under item five (5) letter C; the next item for discussion is Global Recycling. This really, there's nothing provided in your packet because it's an update. We will be conducting another site inspection in the week or next week. What we are doing is we are gathering information and we are going to be requesting information regarding the site cleanup. We have been there from previous site visits. In yesterday's newspaper, there's a Mountain of metallic debris that's overgrowing with vegetation that's been there for some time. It's accumulating, it's not being cleared. You can see that just by the state of the Mountain, the overgrown vegetation, and then we intend to present to meet with Attorney Miller to go over the previous actions of the previous board. The previous board did allow for a 5-year public license issuance, although internally we, we feel that, that's contradicting the passage of cltc commercial rules and regs which requires any type of commercial license or lease to go out through the public bid. But we'll consult with Attorney regarding that issue. Also, Global Recycling is only operating

on that specific property to an authorization to occupy type document. It's open-ended. There're no fees attached to it, there's no ending, and we do understand that Global Recycling is getting the best of both worlds; free rent, free land with no rent, and then money also from the recycling fund for all the Whatever the mayors do, or whatever they submit or things of that nature. Also, in our in our next update for Global Recycling, we'll, we'll present a timeline of what we expect to occur, but in the event that any previous actions by the previous board is legal or contrary to law. We intend to present that specific, specific property to the board to designate for commercial use and go through the whole process for commercial licensing or leasing that set forth in the commercial rules and regs. We hope to complete all this within and award the license by the end of the year, since we're at June already. The problem the whole process is about 6 months, we have to present it to the board. After that, we have to hold a public, public hearings, present it to the board again; present our findings. The board will declare through a resolution; we take that resolution send it to the legislature. They have 60 days to act on it. We have determination of needs documents to prepare; there's just a whole, it's a lengthy process, and we anticipated it may take six (6) months. So, regarding Global Recycling, we just wanted to present an update and inform you what's going on.

Commissioner E. Garrido: Could we get a.... the original agreement between Global and KOKO and CLTC?

Acting AD J. Cruz: There, there was no agreement between the three parties. The only agreement that exists between Global will be Global and KOKO. KOKO had brought in Global to a bailing agreement. That's the only type of agreement. After that, the former Director Mr. Elliot had cleared KOKO, or KOKO recycling of any obligation to clean up that specific area. He had informed them that they had satisfactory cleaned it, and also had informed Global and another company to stay to conduct their business while the process of I guess creating or executing a license.... Was supposed to take place. But unfortunately, that never occurred.

Commissioner E. Garrido: So, do we have a timeline on eviction?

Acting AD J. Cruz: Allow us to do our assessment first and to understand what's their cleanup plan. We do understand that a lot of metallic debris and a lot of junk cars from various areas of the island has been put there. Just given the picture in the newspaper yesterday and day before, I don't think that will happen as quickly as we would like. But, allow us to assess and conduct our... and request for information and gather all the information we need and we can present a timeline.

Commissioner E. Garrido: Because they don't have any legal standing to be on that property.

Acting AD J. Cruz: You're correct.

Commissioner E. Garrido: Because we... there's no lease, there's no license, there's nothing really except Mr. Elliot saying they should clean up the property basically.

Acting AD J. Cruz: Authorizing them to utilize it for their activities, but there is nothing.... no contractual agreement. But, again allow us that time to do our assessment and request for information and understand the timeline, or the time frame that's needed to clear it. What we don't want is for them to leave it the way it is now and we have to pay to clean it up.

Commissioner D. Herrera: They have a five (5) year public right now, they're there because of a five (5) year public license...is that....

Acting AD J. Cruz: No, no, no. What happened in the past was the board had approved the issuance of a public purpose commercial license or license although that was after the enactment of CLTC's commercial rules and regs; for commercial rules and regs which is Public Law 33-95... Public Law... our commercial rules and regs requires any type of license lease related to

commercial to go through a competitive process. So, like I said earlier, I need to consult with Attorney Miller so that we can determine whether that action was contrary to law and is considered void because it wasn't in line with our rules and regs.

Commissioner D. Herrera: What is the size of the property?

Acting AD J. Cruz: Maybe 12, 15 something in that, in that range.

Commissioner D. Herrera: Any tax on revenue price on the tax?

Acting AD J. Cruz: We didn't verify if there's an assess value.

Commissioner D. Herrera: And they've been there since 95, right?

Acting AD J. Cruz: They've been there for quite some time. I exact date... I don't know of hand. We can get that information though. We can only provide information based on when the agreement between KOKO and Global was.

Commissioner E. Garrido: Can we, can we Mr. Miller can we pull that up in Discovery the agreement between Global and KOKO?

Acting AD J. Cruz: We have it in our possession. We have a copy.

Commissioner E. Garrido: Because I'm concerned that.... I'm concerned personally. I'm concerned that Global may have been paying KOKO to do what they're doing up there.

Acting AD J. Cruz: Could be.....

Commissioner E. Garrido: That's why, that's why I'm asking for.... Some sort of Discovery Motion on Global to produce or turn over any and all correspondence between KOKO and Global.

AAG Miller: Madam chair, members my suggestion at this point is let's let staff move forward with their further investigation. We'll see what that turns up and then we can get together in executive sessions and talk about legal alternatives.

Commissioner E. Garrido: What's, what's your timeline on that? I know, I know, I know you're swamped. But if there is something needs to be corrected especially as commercial property, right?

Acting AD J. Cruz: Yes.

Commissioner E. Garrido: The sooner we move on it, the better we'll be.

Acting AD J. Cruz: We, we have been active; just given in the Director's report, we've discovered other current commercial licensing and unauthorized use of property for commercial uses. Definitely next week, we will conduct a site inspection and definitely next week if it does warrant for us to request EPA also to conduct their own site inspection, we will so we can have a good and a better understanding of what's there and the time needed to clean up and all that other great information. Then from there, we, we can, we can potentially provide a projected timeline of when we can issue a ceased and assist, and for how long right. But, at this point Commission Garrido, we, we, we are not comfortable with providing in any type of date shed or time frame. But, sure enough at the next board meeting under the Director, the next board meeting is next week. The next month's July meeting, July, we'll provide some updates. If not, if it's not on the agenda, we, we definitely will provide updates on the Director's report.

Commissioner E. Garrido: when you do the field visit can you verify that they're in compliance with, with EPA.

Acting AD J. Cruz: We, we can request for.... And we can request ahead of time for whatever permits were issued by EPA. We'll, we'll request directly from EPA if, if need be, that's fine.

Commissioner E. Garrido: But it would be nice if EPA does a fuel inspection while you guys are there because on my first visit to Global; I was with Commissioner Herrera and you; and when we went by the transformer shop. The Chop shop for transformer, you could see... you could see oil film on the ground, and it was raining that day and the type of oil those type of transformers were usually utilizing TCB.

Acting AD J. Cruz: Okay, we will request for EPA to accompany us on that day. But, if they're not available, we definitely will request for an EPA inspection to be conducted.

Madam Chair A. Bordallo: Next one.

AAG Miller: 6-B.

Acting AD J. Cruz: Fiscal year 2025 budget, in your packet you have our FY2025 budget requests. Our total budget requests for 2025 is One Million, Five Hundred Seventy-Seven Thousand- Five Hundred and Ten Dollars (\$1,577,510.00). The breakdown of that amount is a Seven Hundred-Thirty Thousand -Four Hundred- Sixty-Seven Dollars (\$730,467.00) request from CLTC Operations Fund. It's one of our special funds. Twenty-One Thousand- One Hundred Eighty-Three Dollars (\$21,183.00) from CLTC's Survey and Infrastructure Fund. That's another special fund; and then Eight Hundred Twenty-Five Thousand, Eight Hundred Sixty Dollars (\$825,860.00) appropriation request from the General fund which equates to the fund I just .. total budget requests earlier. Within, with that budget we intend to recruit some employees, and it also includes the salary of the Administrative Director which is a vacant position at this time although the positions that we intend is a Records Management Officer, a Land Agent Supervisor, a Land Agent One (1), a Land Agent... another Land Agent One (1). A WPS Two (2) which is a Word Processing Secretary two (2), and two Land Agent Threes (3). Aside from that the budget will continue to pay for our day-to-day expenses such as our office space lease, contractual requirements such as our zerox copier, our annual independent audits, supplies, office supplies, gas, vehicle maintenance and other day-to-day expenditures.

Commissioner D. Herrera: How old is our fleet? Our vehicles?

Acting AD J. Cruz: They are old.

Commissioner D. Herrera: We have three (3) right?

Acting AD J. Cruz: No, we have four (4) vehicles. Two (2) are not operational; one (1) has an overheating issue.

Commissioner D. Herrera: The one we used the last time...same, same?

Acting AD J. Cruz: Yes, but in the weeks to come we're sending them to the auto body shops to get them repair.

Commissioner D. Herrera: The over-heating?

Acting AD J. Cruz: The overheating and then service for oil change and whatever other types of service that's needed.

Commissioner D. Herrera: About five (5) years old right, the four (4)?

Acting AD J. Cruz: Yes, if not older. We, like we mentioned in one of the previous meetings, we do have appropriations from 2022 and 2023. We are going to request for an allotment modification to move them into the object class that would allow us to purchase vehicles because there's a deadline for any procurement over Twenty-Five Thousand (\$25,000.00), we missed that deadline. So, we won't be able to initiate procurement process until October 1st.

Commissioner D. Herrera: It's over 25?

Acting AD J. Cruz: Over \$25,000.00.

Commissioner D. Herrera: For another like... same?

Acting AD J. Cruz: Normally we try to purchase vehicles related to the type of activity that we do, but

Commissioner E. Garrido: Are we required to bundle our vehicle request with the entire GovGuam?

Acting AD J. Cruz: No, but to.... I don't want to say expedite, but to make the process a little quicker if there's a valid RFP that has been awarded for vehicles and it, it's in line with what we need. Then we'll just utilize that RFP. If not then we start the whole process all over again, and that's done by us getting specs from DPW and creating a requisition and all that other great stuff.

Commissioner D. Herrera: You have to set a budget for that also.

Acting AD J. Cruz: Also, we intend to use the authorized usage of prior year appropriations from FY2022 and 2023.

Commissioner D. Herrera: For the balance?

Acting AD J. Cruz: So, whatever we didn't expend for those fiscal years for this current fiscal year, the budget act allowed us to expend until fully expended. It not for a collapse.

Commissioner D. Herrera: We got \$32,000.00 is that what it is?

Acting AD J. Cruz: It's not reflected here. We can provide that information.

Commissioner D. Herrera: Maybe about 50?

Acting AD J. Cruz: No there's more. I want to say about \$300,000.00.

Commissioner D. Herrera: Okay. We can get mopeds.

Acting AD J. Cruz: So, so we're, we're presenting it to the board for your approval prior to us submitting it to the Office of Finance and Budget.

Madam Chair A. Bordallo: Has CHamoru Land Trust, has ever get federal money because you have this listed Federal Match.

Acting AD J. Cruz: We have federal.... We've been granted federal funding through a grant which is what's going to pay for the our I.T. Infrastructure Enhancement Project. But in terms of paying for operations no.

Madam Chair A. Bordallo: For your, for that how much are you getting?

Acting AD J. Cruz: I believe it's around \$239,000.00 I believe. Yeah, I don't have that information off hand, I don't remember that offhand but it's around \$239,000.00.

Madam Chair A. Bordallo: You have a lot of vacancies.

Acting AD J. Cruz: It's unfunded.

Madam Chair A. Bordallo: I know. You guys..... [inaudible]

Acting AD J. Cruz: We do but we also have to consider our revenue history.

Madam Chair A. Bordallo: Okay how about.... I didn't really look at that carefully the budget from last year and this year.

Acting AD J. Cruz: It's only an increase of like \$67,500.00 something in that nature.

Madam Chair A. Bordallo: Wow.

Acting AD J. Cruz: So, we have to consider like I said our, our, our budget stream our money flow, and given that we have to request a supplement from the General Fund we aren't [inaudible-background noise] ... money. The Operations Fund is what was created to solely fund CLTC's operations. Unfortunately, every lease that is executed after October 2015, will now be deposited into CLTC Survey and Infrastructure Fund. So, any lease prior to that will start to mature soon, and every year there's going to be a decline in collections unless there's what is it escalation in someone's lease, but it's very minimal. We project it all the way till 2045. 2045 is when we're going to not have any type of revenue stream for the Operations Fund. So, like I said all commercial licenses that are executed after October 2015 to current, based on the law that created CLTC Survey and Infrastructure Fund, all the revenues will go to that fund. We are hoping to open up dialogue to amend that fund because sooner than later we're going to need another funding source unless we become entirely relying on the General Fund. Because the Survey and Infrastructure Fund is very restricted, it's specific as to what expenditures we can use that money for.

Commissioner E. Garrido: How many new employees are we bringing in?

Acting AD J. Cruz: I believe ...

Commissioner E. Garrido: This month.

Acting AD J. Cruz: This month?

Commissioner E. Garrido: Yes.

Acting AD J. Cruz: One and we hope that that individual will start Monday. But, after that one we're already preparing the position descriptions for the recruitment of the positions that I had just mentioned. The only reason why I had said we intend to recruit is because of the, the time line in between processing. Right, so, we can put it in today but it may not be announced until two months from today, and may not, not be reviewed until two months after that. We're already going into 2025 so, but we will start the process of this fiscal. Also, before I forget we will be discussing with Attorney Miller.... We intend to regain custody of our accounts from DOA. There is a section in the Act that allows for CLTC or the Director to be the custodian of those accounts. We have in the past but due to whatever reasons that custody was removed and transferred to DOA. But given that we had clean audits for the last how many years we should be able to substantiate our, our argument that we're capable. So, again that will be discussed with Attorney Miller and we hope to regain the custody of our bank accounts, and hopefully we'll be able to start collecting payment here as it was,

how it was structured in like "98, "99. Commissioner Herrera knows at one point in time CLTC was collecting their own revenue, so we hope to get it structured like that again, but gradually we'll get there. So, if possible, for consideration and if the board is willing to consider approving our 2025 budget.

Commissioner D. Herrera: I, I can make a motion?

Madam Chair A. Bordallo: Yes, to approve.

Commissioner D. Herrera: Motion to approve the 2025 budget as presented the Administrative Director.

Madam Chair A. Bordallo: How much?

Commissioner D. Herrera: \$1,577,510.00.

Commissioner E. Garrido: I second.

Madam Chair A. Bordallo: All in favor say aye.

ALL: Aye.

Madam Chair A. Bordallo: No discussion.

Acting AD J. Cruz: Thank you.

Commissioner E. Garrido: You first put the motion to the floor, I second there's only the two of us.

Madam Chair A. Bordallo: They've been waiting for their budget to pass.

Acting AD J. Cruz: Yeah. So, the next item Madam Chair is 6-D PBS Guam KGTF TV-12. We asked that this item be tabled; we weren't able to clarify the wants of PBS, although PBS currently has a commercial license with CLTC for a specific property that they're using for a [inaudible]. I believe in Barrigada I believe if not Barrigada – Mangilao. In lieu of any monetary payments PBS is providing in kind services. The gentleman here is part of the services that they provide for us. So, if we can just table that until next month or until we're able to sit down and speak with PBS.

Commissioner E. Garrido: When you say table it until July meeting or until next week?

Acting AD J. Cruz: July. We won't be able to meet the, the deadline for next week, that been published for next week. So, the next item....

Commissioner E. Garrido: Wait.

Acting AD J. Cruz: Oh yeah sorry.

Commissioner E. Garrido: Do we need to make a motion to table it?

Madam Chair A. Bordallo: Yeah, because it's on the list.

AAG Miller: Yeah, they would that would be just a yes. Motion in a second to table.

Commissioner E. Garrido: Madam Chair.

Madam Chair A. Bordallo: You.

Commissioner E. Garrido: I'd like to table the CHamoru Land Trust Commission License Agreement with KGTF until our July Regular Meeting. It concerns Lot 10-R3-Block B-Track 99, Municipality of Barrigada, Guam. KGTF is a non-profit, non-profit organization education telecommunication organization...corporation.

Commissioner D. Herrera: I second Madam Chair.

Madam Chair A. Bordallo: No discussion. All in favor say aye.

All: Aye.

Acting AD J. Cruz: The next item on the agenda is Hal's Angels. Because there's no representative present from Hal's Angels, we ask again to table this discussion.

Madam Chair A. Bordallo: Can I ask you usually it's a one year...

Acting AD J. Cruz: For which one?

Madam Chair A. Bordallo: For CLTC license.

Acting AD J. Cruz: CLTC can license up for 21 years, not to exceed 21 years.

Commissioner E. Garrido: And lease?

Acting AD J. Cruz: 25.

Commissioner E. Garrido: 25 years or least without legislative intervention?

Acting AD J. Cruz: Well currently our commercial rules and regs allow, any exceptional term beyond 25 needs legislative approval.

Madam Chair A. Bordallo: Yes.

Acting AD J. Cruz: But, again it, it's up to 25 so it doesn't necessarily mean you give them a straight 25. You can give it 25-year increments as how we see in other commercial licenses because there's also the rent escalation that needs to occur and all that other great stuff.

Madam Chair A. Bordallo: You guys have problems with the ...

Acting AD J. Cruz: Hals Angels?

Madam Chair A. Bordallo: Yeah.

Acting AD J. Cruz: Maybe not necessarily us, but I think they may have issues with their neighbors.

Commissioner D. Herrera: The right of [inaudible]

Commissioner E. Garrido: Was something like that yeah.

Acting AD J. Cruz: Well, that's why we requested to table it so Mr. Shiroma will be able to

Commissioner E. Garrido: The rugby is using their property to access this.

Acting AD J. Cruz: Yeah, but there was some action taken to remediate those issues regarding easement and access but I, I don't think those actions to resolve it were ever executed or completed. Although again we're going to have to discuss with attorney Miller because if my memory serves me correct, those licenses do not explicitly state any type of lease extensions. They're really only for or yeah license extensions, they're only for 21 years. They're set to expire soon, but during their discussions and negotiations between rugby, CLTC and Hals Angels if I'm not mistaken, I believe the board had authorized the extension but that had all occurred he enactment of CHamoru Land Trust commercial rules and regs. So, we have to consult again with Attorney Miller whether those actions are legal and biding or illegal and contrary to law and should be voided, but again we'll get back.

Commissioner E. Garrido: The Rugby Association is represented by Morrison?

Acting AD J. Cruz: At one point in time, Mr. Morrison I believe was the president of the Guam Rugby Association. Now I believe it's Mr. Perez who's the president not Mr. Morrison anymore.

Commissioner E. Garrido: When I, when I heard Morrison when I thought, I thought about Morrison I thought it was the company.

Acting AD J. Cruz: I believe they're affiliated.

Commissioner E. Garrido: Because that company has now been bought by AK.

Acting AD J. Cruz: Correct, correct.

Madam Chair A. Bordallo: Morrico.

Commissioner E. Garrido: Morrico, Morrico right.

Acting AD J. Cruz: I believe there's affiliation there but then again like I mentioned there's some just, there are some actions that need to be validated in regards to their whether they're valid or not and we would need to consult with attorney on that.

Commissioner E. Garrido: So, what's our position right now with the Hals Angels? We, we set it aside to our July meeting?

Acting AD J. Cruz: If you can table it so at least also, we can gather information too because of our last board meeting we wanted to be placed on the agenda and you know with minimal information that we do know we, we don't have a good understanding of what his concerns are. So, if you can table it to July that would be much appreciated.

Madam Chair A. Bordallo: Motion to table?

Commissioner E. Garrido: Madam Chair, I'd like to move that we place the Commercial Lease between CHamoru Land Trust Commission and the Guam Hals Angel Football Association to be table until our next monthly meeting in July 2024. The Lot number involved is 157 NW Municipality of Dededo, Guam.

Commissioner D. Herrera: Second motion Madam Chair.

Madam Chair A. Bordallo: All in favor say aye.

All: Aye

Madam Chair A. Bordallo: Any discussion? None.

Madam Chair A. Bordallo: Okay the amend motion made on meeting minutes for December 28...

Acting AD J. Cruz: So, what happened there, Madam chair is the board had made a motion but reference the date is December 28, 2023. There needs to be a motion to correct the date which should be December 28, 2022.

Commissioner E. Garrido: That was way before our time.

Madam Chair A. Bordallo: Yeah.

Commissioner D. Herrera: December 8, 2022?

Acting AD J. Cruz: 28. Cause it there was a motion made and the date reference was December 28, 2023, but it should have been December 28, 2022.

Commissioner E. Garrido: But that was before our time.

Acting AD J. Cruz: Understood. Can they make a motion to correct it?

AAG Miller: Boards, the boards the board so, so you're the only people who can make a motion to correct it.

Commissioner E. Garrido: Say that again.

Acting AD J. Cruz: So, initially the motion regarding the minute, minute, the meeting minutes was the reference date was December 28, 2023. The correct date is supposed to be December 28, 2022.

Commissioner E. Garrido: Okay, Madam Chair I, I move that we make correction to the minutes of the meeting of December 28, 2022 to reflect the December 28, 2022 instead of December 28, 2023.

Commissioner D. Herrera: Okay, I second the motion Madam Chair.

Madam Chair A. Bordallo: All in favor say Aye.

All: Aye.

Madam Chair A. Bordallo: No discussion.

Madam Chair A. Bordallo: The next one, amend the motion made on meeting minutes for October 19, 2023.

Acting AD J. Cruz: The next item is ... [inaudible]

Commissioner E. Garrido: The G should be what?

Acting AD J. Cruz: No G should well what was motioned and reference was October 13, October 17 and October 19, 2023. October 13 and October 17 was the publication dates. The correct motion that should have been made was and the reference date is October 19, 2023. The meeting minutes of October 19, 2023.

Commissioner E. Garrido: Okay meeting minutes of October 19, 2023 should be what?

Acting AD J. Cruz: October 19, 2023. But when you when the motion was made, the reference dates were October 13, October 17, and October 19.

Commissioner E. Garrido: 13, 17 and 19?

Acting AD J. Cruz: Yeah 13 and 17 shouldn't be there.

Commissioner D. Herrera: Only October 19?

Acting AD J. Cruz: Correct.

Commissioner E. Garrido: May I put a motion on table please?

Madam Chair A. Bordallo: Sure.

Commissioner E. Garrido: Make corrections for the, the October 19, 2023 minutes to reflect or to remove October 13, 2023 and October 17, 2023, from our meeting minutes and the only date that should be reflected there on the minute of the meeting minutes is October 19, 2023.

Commissioner D. Herrera: Okay right October 19, 2023. I second the motion.

Madam Chair A. Bordallo: All in favor say Aye.

All: Aye.

Madam Chair A. Bordallo: Motion carried.

Commissioner E. Garrido: Tell us about January 18?

Acting AD J. Cruz: The next amended motion that's needed was or, okay the next correction that's needed was for the January 18, 2024 Board Meeting. The board meeting was called to order using the date of March 18, 2024.

Commissioner E. Garrido: It shows March 18?

Acting AD J. Cruz: Through transcription it was said March 18, 2024.

Commissioner D. Herrera: [inaudible] January the meeting?

Acting AD J. Cruz: The board meeting of January 18, 2024 was started and was referenced the meeting of March 18, 2024, but it should have been January 18, 2024.

Madam Chair A. Bordallo: You move.

Commissioner E. Garrido: Madam Chair, I'd like to place a motion on table for the correction of the January 2024 board meeting to reflect January 18, 2024 instead March ...

Acting AD J. Cruz: 18.

Commissioner E. Garrido: March 13...

Acting AD J. Cruz: 18.

Commissioner E. Garrido: March 18, 2024 so the corrected date should be January 18, 2024.

Commissioner D. Herrera: Second the motion Madam Chair

Madam Chair A. Bordallo: All in favor say Aye.

All: Aye.

Madam Chair A. Bordallo: No discussion.

Acting AD J. Cruz: Madam Chair for the next item it reads amend motion made on February 22, 2024 board meeting with the advice from Attorney Miller that item should have read to correct the motion made related to the resolution for Bill 179-37, but will that prevent the board from correcting the motion made at that meeting? Because it wasn't specifically identified?

AAG Miller: No.

Acting AD J. Cruz: It will be, okay? So, Attorney Miller says even if it's not specifically identified from the agenda, it's okay still to decide to correct. This section is related to the resolution regarding the G.... regarding Bill 179-37 related to GICC. When the motion was made in support a bill. It references the Bill for the \$100.00 power Credit not the 197-37. It was a different bill number.

Commissioner E. Garrido: What was the bill for the \$100.00?

Acting AD J. Cruz: I forget but that's what it was.

Commissioner D. Herrera: So, this is not for the 179?

Acting AD J. Cruz: If the board chooses to move forward to maintain its support through this resolution, we need to correct the bill number that was referenced. I believe it was 147-37 something.

Commissioner D. Herrera: For the credit?

Acting AD J. Cruz: That was for the power \$100.00 power tax credit

CLTC Staff G Eay: We're checking it right now.

Commissioner D. Herrera: Okay.

Acting AD J. Cruz: But because the resolution reference Bill 179-37 there was a technical error so during the time of the public hearing we requested to withdraw because of the technical error.

Commissioner D. Herrera: But was about 179 was about the....

Acting AD J. Cruz: The board had motioned to submit this resolution to support the bill that was related to the \$100.00 Power Credit not to the 179-37.

Commissioner E. Garrido: So, 179-37 is the wrong?

Acting AD J. Cruz: Is the correct.

Commissioner E. Garrido: So, what's the wrong one?

Acting AD J. Cruz: They're getting that information.

Commissioner D. Herrera: So, the resolution was, okay?

Acting AD J. Cruz: The contents as written the intention was there to support 179-37 although the motion that was made was incorrect. So, the bill that was referenced in the motion is one Bill 173-37. Copy of the testimony that we provided is being provided.

Commissioner E. Garrido: But this is on the amended motion not, not in our meeting?

Acting AD J. Cruz: Can you repeat that?

Commissioner E. Garrido: The correction needs to be made on the, the amended? The motion needs to be amended no in our minutes of the meeting?

Acting AD J. Cruz: Correct, correct. Oh wait, wait, wait because if you spoke about it you should also correct the minutes.

Acting AD J. Cruz: inaudible.... AAD and CLTC Staff J. Dayday discussion on the motion.

Acting AD J. Cruz: So, once you amend your motion it should automatically correct the, the update the transcription. So, instead of 173-37, it should have been 179-37.

Commissioner E. Garrido: Madam Chair I'd like to put a motion on the floor.

Madam Chair A. Bordallo: Sure.

Commissioner E. Garrido: To amend the ... to amend the amendment that was submitted to the legislature designating Bill 173-37 should be corrected and it should be 179-37.

Commissioner D. Herrera: Correct.

Madam Chair A. Bordallo: On what date of the meeting?

Commissioner E. Garrido: May 14, 2024.

Commissioner D. Herrera: Okay I second the motion Madam Chair.

Madam Chair A. Bordallo: All in favor.

All: Aye.

Madam Chair A. Bordallo: Motion carried.

Acting AD J. Cruz: What's the date that you reference? What meeting date?

Commissioner E. Garrido: May 14.

Commissioner D. Herrera: Is that the right?

Acting AD J. Cruz: No, no, no.

Commissioner D. Herrera: Should be February?

Acting AD J. Cruz: February 22, 2024.

Commissioner D. Herrera: That's when....

Acting AD J. Cruz: May 14 was the public hearings.

Madam Chair A. Bordallo: Okay, correction or void that. Repeat.

Commissioner E. Garrido: February what?

Acting AD J. Cruz: It should be February 22, 2024.

Madam Chair A. Bordallo: Right there second paragraph.

Commissioner E. Garrido: Madam chair I'd like to make correction to my previous motion which was dated which was slated or which was designated as May 14, 2024 to show the date of February 22, 2024.

Commissioner D. Herrera: Second the motion.

Madam Chair A. Bordallo: All in favor say Aye.

All: Aye.

Madam Chair A. Bordallo: Motion carried.

Madam Chair A. Bordallo: Bill number 288-37.

Acting AD J. Cruz: Madam chair this bill was introduced by a speaker at our oversight chair Therese Terlaje and Sabina Flores Perez. This bill is related to an act to amend subsection 75124 and subsection 75122 B5 of Chapter 75 Division 2 Title 21 and subsection 75A 124 and subsection 75A 122B 5 of Chapter 75A Division 2 Title 21 Guam Code Annotated relative to the to authorizing the CHamoru Land Trust Commission to secure Infrastructure Funding through the US Department of Agriculture substantially under Trust area also know Suda initiative utilizing proceeds from the CHamoru Land Trust Survey Infrastructure Fund. When... during the public hearing we also submitted testimony and we requested to submit written testimony at a later date due to the fact that the commission hasn't had the opportunity to discuss this bill so there's anything you would want me to ...

Commissioner E. Garrido: Yes.

Acting AD J. Cruz: Put together and provide please let me know.

Commissioner E. Garrido: If you look at page 4, halfway down item number 2; the construction of infrastructure to include access roads, water, comma water comma, sewer comma, power utilities comma, telecommunication resources comma. Okay, water, water I don't understand.

Acting AD J. Cruz: Okay.

Commissioner E. Garrido: And I think the correct verbiage for that next instead of power should be electric utilities.

Acting AD J. Cruz: Electric?

Commissioner E. Garrido: Yeah, and the question I have is the telecommunication resources; these are private entities, will we be subsidizing them to put in their infrastructure?

Acting AD J. Cruz: Sounds like it.

Commissioner E. Garrido: Yeah, I don't, I don't agree with it.

Acting AD J. Cruz: Is there... so

Commissioner E. Garrido: because these are all private entities.

Acting AD J. Cruz: So, request to remove?

Commissioner E. Garrido: Yeah, and I don't know what that second water for. Is it water you know. Says access road water comma water comma.

Acting AD J. Cruz: Okay.

Commissioner E. Garrido: So, I don't know if we should remove one water or she meant something else, I don't know.

Acting AD J. Cruz: Okay. Any other comments or suggestions?

Commissioner E. Garrido: Mr. Cruz, on the last page line item 6 through 11 can you summarize that please.

Acting AD J. Cruz: Notwithstanding no less than 50%... it's just saying that 50% of the income arise to the authorization of this subsection will be deposited annually into the CLTC Survey Infrastructure Fund and the other 50% into the CHamoru Home Loan Fund.

Commissioner D. Herrera: I have a 2 8 set [inaudible] same, same you have 2 8?

Acting AD J. Cruz: We'll get you a copy.

Commissioner D. Herrera: Okay, thank you.

Acting AD J. Cruz: Is there any recommendations or suggestions?

Commissioner E. Garrido: I don't know it just caught my eye. I didn't like the way it was written I don't ... I'm not a, I'm not a lawmaker so I just didn't like the way it represented

Acting AD J. Cruz: It's just after the or from the date of enactment of this law if it should pass or Bill it should become law its just telling us where 50% of the money will go and where the other 50% will go.

Commissioner E. Garrido: Well, the first, first part says no less than 50%, the second part goes the remaining 50%.

Acting AD J. Cruz: I think it was just a matter of choice of words.

Commissioner E. Garrido: That's what caught my attention. I was not comfortable with it.

Madam Chair A. Bordallo: I think your water is water waste, water disposal.

Commissioner D. Herrera: Water and waste?

Commissioner E. Garrido: Page 4. I think second water supposed to be waste.

Madam Chair A. Bordallo: Yeah.

Acting AD J. Cruz: There's sewer so.

Commissioner E. Garrido: I think the second one's supposed to be waste if you look at the first page.

Commissioner D. Herrera: That's not the first page.

Acting AD J. Cruz: Waste water?

Commissioner D. Herrera: Okay yeah.

Commissioner E. Garrido: I don't know okay. I'm just, I'm just guessing. I'm not the one that wrote this so I don't know, but water comma water didn't make any sense.

Acting AD J. Cruz: So, we remove one water.

Madam Chair A. Bordallo: Yes.

Commissioner E. Garrido: But, are you sure that second water wasn't meant to be waste?

Commissioner D. Herrera: You're right yeah waste water sewer.

Commissioner E. Garrido: Maybe we just highlight it and sent it back to the speaker for her, her correction.

Commissioner D. Herrera: Maybe they, they waste. It's supposed to be waste water.

Commissioner E. Garrido: I don't want to second guess what she meant. We just identify, identify what we think the discrepancy and let, let them handle it.

Acting AD J. Cruz: Okay. So, that would be for the water but for the power change to electric and remove Telecommunications resources. Correct?

Commissioner E. Garrido: Remove it completely because those are all private entities. Those are not....

Acting AD J. Cruz: Okay.

Commissioner E. Garrido: Those are not government.

Acting AD J. Cruz: Okay. Any other suggestions? Now the million-dollar question is does the board support the bill so we can.....

Commissioner E. Garrido: Not as presented.

Acting AD J. Cruz: With the corrections. Okay.

Commissioner E. Garrido: With conditions. Madam chair.

Madam Chair A. Bordallo: I support it.

Commissioner E. Garrido: Madam Chair, I'd like to place a motion on the table please. I will support Bill number 288-37 with corrections of changes to page four of the, of the Bill, section two – water comma water, and change the word power to electric utilities and remove telecommunication resources. I, I don't know what the water-water is so...

Acting AD J. Cruz: Okay.

Commissioner E. Garrido: We'll just highlight it and have the speaker look at it and make what changes she feels are justified for it.

Commissioner D. Herrera: Yeah, because on the first page it was water with water.

Commissioner E. Garrido: Second it.

Commissioner D. Herrera: Yeah, I second the motion.

Acting AD J. Cruz: Just to be clear... Oh sorry.

Madam Chair A. Bordallo: what is it?

Acting AD J. Cruz: Oh no, go ahead cause, they already made it, they already second the motion.

Commissioner E. Garrido: Yeah.

Acting AD J. Cruz: I'll wait till you're finish.

Commissioner E. Garrido: We finished.

Madam Chair A. Bordallo: We finished.

Acting AD J. Cruz: But there's no Aye.

Madam Chair A. Bordallo: All in favor say Aye.

All: Aye.

Acting AD J. Cruz: Okay, so just to be clear, the board supports the bill with the condition that the items or corrections that were mentioned are made. Right?

Commissioner E. Garrido: yes.

Madam Chair A. Bordallo: For clarity.

Commissioner E. Garrido: For clarity.

Acting AD J. Cruz: Okay, okay.

Commissioner E. Garrido: Maybe that's waste water sewer or water waste and sewer. I don't What if it's not and it's a comma.

Acting AD J. Cruz: Okay.

Madam Chair A. Bordallo: We're on "K" Bill number 287-37 LS subdivide portion of Lot 7161-R1 Yigo. Can we table this?

Commissioner E. Garrido: No.

Acting AD J. Cruz: If you would like but this public hearing is on next week Thursday, June 20. If, if the board should choose to table it, we'll just provide the same response that until such time the board has the opportunity to discuss and we'll provide a written, or you guys can discuss it and we'll take notes prepare the response.

Commissioner E. Garrido: Mr. Miller, I have a question for you sir.

AAG Miller: Yes.

Commissioner E. Garrido: On page two of this section "c" or item "c", should it be paid for the lessee or paid for by the lessee?

Acting AD J. Cruz: By. The lessee should pay.

AAG Miller: Correct. It needs the word "by" in between for and the for and the line 7

Commissioner E. Garrido: Yeah, that caught my eye. Also, that was my only suggestion

Commissioner D. Herrera: Okay now on this bill right, this was supposed to subdivide the entire one-million square meter of the 7161-R-1?

AAG Miller: So, so the, the trust is going to have retain a surveyor and somebody's going to have to the large lot and decide what is raceway infrastructure and what isn't raceway infrastructure and draw the right line, and then record the, the Lots.

AAG Miller: That's, that's basically part of that has already been done. There was a proposal to cut out the part where the raceway has it's, footprint and the remaining property to be separated from the raceway's footprint.

Commissioner D. Herrera: Do we have that in hard copy just for preliminary table top cut on the drag strip ... [inaudible – weak background] ... and the....

Acting AD J. Cruz: I, I believe ...

Commissioner D. Herrera: I remember....

Acting AD J. Cruz: We, we can provide that, we just have to have Pierce search.

Commissioner D. Herrera: Just before the public hearing next week on Thursday.

Commissioner E. Garrido: There should be an attachment to this.

Commissioner D. Herrera: Because we need to show that visually to.

Acting AD J. Cruz: I, I believe we can also provide digital, a digital copy so at least they can project it on their screen. Yes, we did go out and GPS the specific areas and I believe it came to 50 acres, 50 or 60 acres of the usage.

Commissioner D. Herrera: Right there. So, I think I remember Pierce had the preliminary.

Acting AD J. Cruz: Yes. We, we GPS each section and he shaded it a certain color scheme.

Commissioner D. Herrera: Was certain color per?

Acting AD J. Cruz: I think for the entire whatever they were using for the drag the what is it the off-road and the drifting. I believe it came out to like 50 acres.

Commissioner D. Herrera: Can we have the print out? At least just for so we can study before the next.

Acting AD J. Cruz: Yes, yes. We can provide that tomorrow, that's fine.

Commissioner D. Herrera: Okay so the drag goes all the way right to that long parallel Route 15?

Acting AD J. Cruz: Correct.

Commissioner D. Herrera: And then....

Acting AD J. Cruz: So, this is one the current use was before so this is the drag strip. This is was I believe the drifting and then this was where tires were being in place put in place for like bumper cars or something.

Commissioner D. Herrera: Part of the drift?

Acting AD J. Cruz: I believe this is the drift then this area was for the motorcross and off-roading.

Commissioner D. Herrera: Okay, now just for Attorney Miller, this information, remember can you show him the illegal shortcut and remember what we noticed on the loads of material that was done right next to the ...

Acting AD J. Cruz: Go back.

Commissioner D. Herrera: Oh, oh you're controlling I thought it was Pierce.

Commissioner E. Garrido: Right there.

Acting AD J. Cruz: Right there so this is, this is the illegal clearing with the road that commissioner... Go up some more. So, it goes to the back side of the quarry for Smith bridge. Can you leave it – one out.

CLTC Staff J. Casem: Out?

Acting AD J. Cruz: Yeah. So, this is Smith Bridges Quarry or back off.

Commissioner D. Herrera: And then that artery that boundary that what's your ... right there the connection between...

Acting AD J. Cruz: This one?

Commissioner D. Herrera: Yeah.

Acting AD J. Cruz: So, it leads to the back side of Smith Bridges.

Commissioner D. Herrera: So, our issue right is that and remember the dumping that we found Joey right on the east side of the drag street because if we do the subdivision right there.

Acting AD J. Cruz: This is the where the back filling had occurred although when the back filling permit was, was obtained it didn't allow for any imported material. But what we had discovered was that the shave, road shavings from whatever road they were resurfacing was done there....

Commissioner D. Herrera: And the debris from the housing that was

Acting AD J. Cruz: Yeah, concrete

Commissioner D. Herrera: So, our question is that is that we going to subdivide that right and that component is really buried because we put it back at the end

Acting AD J. Cruz: Starting to erode whatever they used to....

Commissioner D. Herrera: Yeah.

Acting AD J. Cruz: Whatever they used to yeah put on top it's starting to erode.

Commissioner D. Herrera: So, technically we cut that, that's, that's still buried there. You know for the Black Street part. That's one part and remember the 65ft, k that that they cut down. Yeah, so this is where liability comes in like commissioner or was saying right about remember that cliff line.

Madam Chair A. Bordallo: Yes.

Commissioner D. Herrera: And they were saying so if we do this and we do the subdivision and then proceed forward right to set up for leasing and we already understand that there's a hazard 60ft cliff around the north, east and the west side of the drag strip.

Commissioner E. Garrido: I don't know if you ever went on a site visit there, that drag strip is like a rocket launching [inaudible]. It looks straight there because a flat surface elevated.

Commissioner D. Herrera: So, you show the right and then he can... I had so many pictures. I did a drone area drone and you know so. So well, because we know now that nature is still there like the Commissioner Earl is saying.

AAG Miller: So, when, when we get into the details assuming the, the bill passes and, and becomes law, one of the topics we'll need the direction from the commission on is how to address, address some of these safety issues. We to, to go to one extreme for as an example we could say that any racing that occurs on CHamoru Land Trust land shall comply with the technical rules and regulations of the United States Autocar Club which are very detailed, very technical and mean that the cars that pass the tech check are quite safe. But that's going to mean that a lot of people who are building a car in their backyard are just going to be out from being able to race because they're not going to pass the U.S. tech check. So, we'll need some direction from you all as to how much you know how....

Commissioner E. Garrido: Well, I think the issue ... I'm sorry.

AAG Miller: And so, for you know the, the, the drag strip I, I promise you I can find a rule that says because it in order to authorized drag racing the track has to be....

Commissioner E. Garrido: Horizontal.

AAG Miller: Horizontal. Has to be dead level.

Madam Chair A. Bordallo: Yeah, it's not.

AAG Miller: And it and if we put that in the lease are we just eliminating all drag races?

Commissioner E. Garrido: And there are no, there are no side guard rails on, on the strip.

Madam Chair A. Bordallo: Yeah.

Commissioner E. Garrido: They have tires.

Commissioner D. Herrera: And the reason why Attorney is that, that strip that you see there that strip itself was just a temporary drag strip and that's about 65ft high from the elevation of from the base so the intent there was to do the temporary; do the configuration of the contour and then cut the drag strip out and then instruct the new drag strip on the level of the Route 15. So, so that being said again that's ... now remember Joey that big crate that you guys first met there the big crate in the back so just so that we can see what we are talking about. Remember the first crater that used to be on the cliff line... that...

CLTC Staff G. Eay: Right there?

Commissioner D. Herrera: Yeah, so that, that one is about maybe 30ft greater and the red line is a cliff line. That cliff line is about 100 ft on the topography from sea level it goes up to the red line. So, from the red line to the first staircase it's about maybe 100, 150 ft. no... So, so those are the things that we, we noticed from the first time we came there in 2022, and I guess the question here is that how long have they been shaving the from the first feet, one feet, two feet up to 60 ft of shavings that we, I guess we found it at the time came there 2022 now about March – April it was already 65ft down from the top of where the drag strip is at 60ft down.

AAG Miller: Well certainly you know it.....

Commissioner D. Herrera: When you do the field tour you kind of see.

AAG Miller: The, the, we can write all kinds of limits and rules into the lease but realistically it its going to require the, the trusts compliance team to be out there when they're racing to say no stop; you're not in compliance with the rules for using the land and so some... you know yeah, somebody with some authority is going to have to be willing to be out there to enforce whatever the rules are we end up with in the lease.

Commissioner E. Garrido: Attorney Miller, can you share with me initially why you were pulled off from CLTC? When the AG pulled you away.

AAG Miller: Oh, he pulled us away from all the agencies.

Commissioner E. Garrido: Well not all 21, I think 21 agencies. Because it seems that the, the reasoning that we surmised was because maybe there was an ongoing investigation with the race way?

AAG Miller: There, yes, the

Commissioner E. Garrido: Because of the....

AAG Miller: The Attorney General's office, the Attorney General's office is engaged in currently engaged in the criminal prosecution of some individuals who were formerly managers of various Guam Government of Guam agencies.

Commissioner E. Garrido: No that's, that's, that's different. That's Agana.

AAG Miller: Well, the... Guam is unique in that there's only one government law firm. There, there I work for the Civil Division of, of the Attorney General's Office but the people next door to me are the Criminal Division. We're, we're all one organization that's very unusual. Normally criminal people are a whole different organization. Different building, different badge, different they you and you don't, you don't talk, you don't work together. The criminals do their thing, civil is over here and they do their thing and they don't ever meet well we were only one. There's only one of us and so in these in the in these criminal trials that, that are going on now the criminal defense attorneys who are whose job it is to do everything they possibly can to, to get their clients off said no..... it's a conflict of interest for the for the same law firm that has been helping us with our regular business to then turn around and say aha, you're a bad person I'm going to I'm going to put you in jail because...because of the claim of intermingling that has been adjudicated. The Supreme Court of Guam has now told us what the rules are for who gets to talk to who and under what circumstances do, do we get to talk and intermingle. And so, we are back full -service whatever issues that, that occurred in February and March. The Supreme Court has resolved those issues and we're, we're, we're back. The Attorney General's office is back in full provided whatever legal services you request.

Commissioner E. Garrido: I, I don't know if it's appropriate for me to ask but is there an ongoing investigation on the raceway?

AAG Miller: The..... to use a, a very lawyerly term out of an abundance of caution, knowing that in two separate cases, the criminal defense lawyer said you know, you, you can't, this case can't go forward because there, there was too much intermingling. What the Attorney General's office did was say okay, in, in every situation we know off where the Office of Public Accountability has raised questions about the effective management of some board commissioner agency. We just listed every, every board commissioner agency that OPA raised concerns about and I, I trust you're fully aware that OPA has raised questions about how this commission has done its work in its past, and so that's how you made the list but having said that, that's all behind us now. The Supreme Court has told us what the rules are.

Commissioner E. Garrido: The reason why I'm bringing it up is because part of our reasoning for removing the Guam Raceway.... What would they call Guam Raceway Federation?

Acting AD J. Cruz: Guam Racing Federation.

Commissioner E. Garrido: The reason for us is evicting them was because they were excavating coral. So, I was just wondering whether the AG is preparing a case to go after those people for the excavation of coral, mining of coral.

AAG Miller: Well in accordance with the direction we have from the Guam Supreme Court I have no idea.

Commissioner E. Garrido: Okay. Not that say but how would that affect this?

Commissioner D. Herrera: Right. The violations that we identified how does....

AAG Miller: What, what the Supreme Court has told the Attorney General's office is that me as your attorney who works with you day to day on the regular business of the commission, I can't talk to the people on the criminal side of the house about what they do and I especially can't talk to the people on the criminal side of the house about the specific agencies that I work with, what they do. So...

Commissioner D. Herrera: So that's another group.

AAG Miller: So, I so as I said I have no idea what the criminal people are and the Supreme Court has told me that I'll get in trouble if I do find out what the criminal, what the Criminal Division is up to.

Commissioner D. Herrera: Even if you put a concrete wall between you and the individual?

AAG Miller: Well, if, I'll put it to you this if, if, if I do find out what the Criminal Division is up to about past actions at the Raceway, I can't be your lawyer anymore.

Commissioner D. Herrera: Okay. Even if you have.

Commissioner E. Garrido: And besides you, you're not supposed to share that.

AAG Miller: Right. They not supposed to ask me what you guys are up to and I'm not supposed to tell them what you guys are up to.

Commissioner E. Garrido: That's what the criminal says.

AAG Miller: Yes.

Commissioner D. Herrera: So, can you bring up about those buried tons of because you know the... was covered but we saw it we right Glenn. I mean the truck drivers were going to run over us because we were right on the middle of the dumping and....

AAG Miller: Well as I, as, as I talked about before if the bill becomes law and we start moving forward putting together the terms and conditions of a lease we're going to have to have a discussion as to what the what the conditions are that you all are comfortable with regarding their utilization of your property.

Commissioner E. Garrido: Well, I guess we'll wait until that time.

Commissioner D. Herrera: We want the illegal materials removed. The one that was buried that we.... right, because Glenn is experiencing [inaudible] structures. We know what's a hollow block and a rebar or but anyway that's that part and then the crater the big crater there in the right side, it's another one that was not configured into the computation from OPA.

AAG Miller: And, and I, I appreciate all that and I just know in advance that when we're sitting across the table from the new Raceway Association, they're going to say they don't have enough money to address any of those problems and then we're just going to have to figure out what to do.

Commissioner E. Garrido: Well, they, they distance themselves from the prior management that's what they say.

Madam Chair A. Bordallo: I would like to know what really transpired all those years you know the grading and what happened.

Commissioner D. Herrera: Remember we were given like a 300- page report, right during this time.

Madam Chair A. Bordallo: And OPA had...

AAG Miller: That's a question for Mr. Cruz because like I said the Supreme Court has said I'm the last person who can know about what happen.

Madam Chair A. Bordallo: I'm not trying to get you to open your mouth.

Acting AD J. Cruz: So, the question is ...

Commissioner E. Garrido: Going back to subject, yeah, what are we supposed to do with it?

Acting AD J. Cruz: You guys have any recommendations for any edits, changes and do you guys support the bill or not?

Commissioner E. Garrido: I support the bill with correction to page two item "C".

Acting AD J. Cruz: To include the word "by" right?

Commissioner E. Garrido: Yeah.

Acting AD J. Cruz: Are you guys going to vote on this as concerted effort or is that individual? Was that a motion?

Commissioner E. Garrido: Yes.

AAG Miller: We need a second motion and a vote.

Commissioner D. Herrera: I second the motion. And then we can discuss this with the public hearing also there's more going to be coming up.

Acting AD J. Cruz: Madam Chair.

Commissioner E. Garrido: Madam Chair.

Madam Chair A. Bordallo: Hold on. I'm pulling it up. Okay which you mentioned what page is that?

Commissioner E. Garrido: Page two.

Acting AD J. Cruz: Page two, "C".

Commissioner E. Garrido: Or look at line seven.

Acting AD J. Cruz: To add the word "by".

Madam Chair A. Bordallo: By the lessee. When you say the subdivide property how much is that?

Acting AD J. Cruz: At this time, I, I don't think we exactly know what the area size is going to be. Although based on the GPS that we did do last year I believe, I believe it was 50 acres in total for the race. The drag racing strip, the drifting, and the motocross.

CLTC Staff G Eay: It's close to... [inaudible]... approximately...

Madam Chair A. Bordallo: So instead of 2

CLTC Staff G Eay: Right the remainder This is not going to be.

Acting AD J. Cruz: It, it doesn't on the bill doesn't restrict you guys to how much you should cut out or how you should cut it.

Commissioner E. Garrido: We can partition.

Acting AD J. Cruz: Yeah, so there'll a scheme prepared so you guys...

Commissioner D. Herrera: So, we can see that early so we can determine whether it's enough...

CLTC Staff G Eay: It was including parking and stuff that there is there's like five parcels that identified like for race drifting and so.....yeah.

Madam Chair A. Bordallo: I, I understand that but how much of that?

CLTC Staff G Eay: About 50 acres.

Acting AD J. Cruz: That's just a rough.

Commissioner D. Herrera: When you think we can see that because the meeting is just next Thursday. Because the Public Hearing starts at 5.

Acting AD J. Cruz: We can provide that tomorrow; we can email it. Because I believe we saved it. But we'll figure it out.

Commissioner D. Herrera: I remember when Pierce so that one when you send it to a link right, can do 11 by 17 on 11 by 7.

Acting AD J. Cruz: I believe he saved it as a PDF but let us verify.

Commissioner D. Herrera: Okay if it's a little bit larger so we can present it down at the legislature.

Madam Chair A. Bordallo: So, when we're going to present this to the legislature?

Acting AD J. Cruz: I'm going to prepare a response based on the board's recommendation.

Cross Discussion

Acting AD J. Cruz: So, are we good with that?

AAG Miller: They have to vote.

Madam Chair A. Bordallo: Put a motion.

AAG Miller: We had a motion and a second. We need a vote.

Commissioner D. Herrera: We had a motion and a second? We need about a motion? I didn't hear you.

Madam Chair A. Bordallo: He just said.

Commissioner D. Herrera: I apologize.

Commissioner E. Garrido: We make the correction to include "by", B-Y.

Commissioner D. Herrera: Okay, I second motion.

Commissioner E. Garrido: You did already. We're waiting for a vote.

Commissioner D. Herrera: Okay.

Madam Chair A. Bordallo: I just have one question on the to make sure that the insurance you know we are not liable for any liability.

Commissioner E. Garrido: Liability? That will occur in the... supposed to take up.

Acting AD J. Cruz: Like Attorney Miller had said, we'll right the... I mean because whatever spelled out in the bill it says it says what should be there. It doesn't say that we cannot add anything to it and nonetheless it says that we have to comply with 75a – 122. So, that's CHamoru Land Trust commercial rules and regs and the requirements are a lot, is a lot, the term is a lot.

Commissioner D. Herrera: That's where guard is at? Joey.

Acting AD J. Cruz: Yes, yes so, we'll make sure to directly with one another cross our Ts and dot our Is but like we mentioned the bill doesn't say how much should be set aside or how much needs to be surveyed out or delated.

Commissioner D. Herrera: So that's flexible right the okay.

Acting AD J. Cruz: It just says to subdivide, it didn't say how much, where or ...

Commissioner E. Garrido: It didn't get parameters.

Madam Chair A. Bordallo: So, in other words if this bill we approve of it we, they can, we can come back and say okay this is what we want?

Acting AD J. Cruz: For as long as it doesn't change and becomes specific. For example, so for as long as the bill doesn't say well CLTC you shall subdivide 50 acres of this at this point the Northeast side and all this other stuff then we're okay. But if changes are made and become very specific as to where, how much then that's a different story, but right now it's ...

AAG Miller: Your discretion what, what were subdivide out.

Commissioner D. Herrera: So, after the discretion has been completed and we make the specific determination then now we can set the parameters of ...**[inaudible]**

Acting AD J. Cruz: The area yeah.

Commissioner D. Herrera: and the cost.

Acting AD J. Cruz: Yeah.

Commissioner D. Herrera: We don't have to go to Legislature?

Acting AD J. Cruz: If certain types of activities like mineral extraction is needed that's going to approval from the legislature.

Commissioner D. Herrera: What timeline? Five, five years?

Acting AD J. Cruz: The law is specific. It says 5 years so no more than five on and for this activity on this slot.

Madam Chair A. Bordallo: Okay.

Acting AD J. Cruz: and it's subject to the approval of the Attorney General so yeah, they just have to review it too.

Madam Chair A. Bordallo: All in favor say aye.

All: Aye.

Madam Chair A. Bordallo: Motion carried.

Madam Chair A. Bordallo: Okay, we have open comments now.

Hans Ada: How are you doing. My name is Hans Ada. I'm the chairman for Guam Motorsports

Acting AD J. Cruz: Please sign in.

Hans Ada: So, I'm the chairman of Guam Motorsports Association. We are not affiliated with GRS at all. We, we understand, that I just recently moved on island so and a month ago I joined the effort towards opening up Guam Raceway. I'm very new to this, so I've had a lot to learn and download in the past month. We're not advocating for any grading or anything that's tarnished the raceways relationship with the community. We just want to open up the racetrack and have a positive impact on just getting the racers off the streets and doing it in a safe and control environment and to do it properly like things that were mentioned like with tech so, I'm just here to help. I, I'm starting on a clean slate. I grew up in the state. I was born here but I grew up on the states, so I'm about as new as it is.

Commissioner D. Herrera: And you've been racing back in the states?

Hans Ada: So, I have a professional racing and education background. I grew up racing; I've raced formula cars. I've race on Circuit of the Americans... [inaudible], I've won there, raced offroad short course offroad, Baja, I raced side by sides. I've had professional relationships with manufacturers race; you know manufacture sponsorship so.

Commissioner D. Herrera: And the venues that you were racing was private government or private own?

Hans Ada: It's actually, one of, one of the things that I saw when I, when I first saw the racetrack when I when I came to Guam was that this is pretty cool that this is a GovGuam racetrack because you do have that in the states but it's not as common. Yeah, but you do have government assistance so like the formula one track that I mentioned which is in Austin Texas, they rely on a \$25.8 million dollar check from the state of Texas because it is not feasible because racetracks are operations heavy and low profit margin. So, without that \$25 million dollar check from the state they're in trouble.

Commissioner D. Herrera: Like a subsidy.

Hans Ada: Yeah, because well they, they bring in they bring in so many tourists and just they really stimulate the economy so, so the states write.

Commissioner D. Herrera: And the property sold by the government or private?

Hans Ada: It's private.

Commissioner D. Herrera: Private own?

Hans Ada: Yes, but that's the only relationship they have and...

Commissioner D. Herrera: What was the name of the...?

Hans Ada: Circuit of the Americans. So, that, that is the one purpose built the Formula One Track that is permanently in the United States in...

Commissioner D. Herrera: That part of Texas.

Hans Ada: Yes Austin Texas. But I grew up I raised and also developed drivers professionally so I provide ride and drive services for other drivers. They're very successful today.

Commissioner D. Herrera: And you brought your vehicles here from the states or...

Hans Ada: I don't have any vehicles. I, I initially came here just because I, well I was taking care of my nana so I was her I was her hospice nurse for 8 to 9 months.

Commissioner D. Herrera: Nana and you, okay?

Hans Ada: She passed yeah. But yeah, so that was initially why I came out here.

Commissioner D. Herrera: So, was that your rail that was in front of the church between the...

Hans Ada: So that's my chairman John Burch Jr.

Commissioner D. Herrera: John Burch?

Hans Ada: Jr. yeah.

Commissioner D. Herrera: We have a John Burch here.

Hans Ada: Yes, yes.

Commissioner D. Herrera: Do you know Mr. John Burch?

Hans Ada: No, I just know John Burch Jr. I'm very new so I'm, I'm meeting everyone.

Commissioner D. Herrera: Okay.

Hans Ada: Yeah, I'm learning who does what.

Commissioner D. Herrera: Have you ever raced up on the track when it was opened at any time?

Hans Ada: I, I grew up coming here like every once a year once every other year for a month to visit family on my dad's side...

Commissioner D. Herrera: Have you tried writing that track or...

Hans Ada: so, I, I've only made it to smoking wheels in 2018 and last year. Two, two times yeah.

Commissioner D. Herrera: We extended the smoking wheels last time so ...

Hans Ada: Yeah, yeah, yes, I appreciate that.

Commissioner D. Herrera: Watching or driving you were.....

Hans Ada: I was, I was racing yes.

Commissioner D. Herrera: You were racing?

Hans Ada: Yes sir, yes sir. Yeah, my, my relationship with the race track has always been hey you're, you're a, a tomorrow that's gone on to race in the state professionally whenever you're on island if you can race, race all the cars.

Commissioner D. Herrera: So, you did race that motor cross site of the...

Hans Ada: I raced smoking wheels the off.

Commissioner D. Herrera: Not the drag or the drift?

Hans Ada: No, not the drag.

Commissioner D. Herrera: I see.

Hans Ada: Yeah, one time it was 2018, I came here for like a week just, just for that event.

Commissioner D. Herrera: We saw that last, last year because we had to make a motion to extend it. And you were driving the Miller? Was it the Miller or the APO?

Hans Ada: There was the APO Fiesta.

Commissioner D. Herrera: The one that you drove that one?

Hans Ada: No just side by side. I believe that's John Shimizu drag, drag car. That that John Burch had in front of the Congressional building.

Commissioner D. Herrera: Oh. Side by side is the Hondo Kawasaki the.

Hans Ada: Correct. So, that's where I've had a lot of manufacturing relationships and I, I develop drivers in that because it's just a great stepping stone to get in the trucks.

Commissioner D. Herrera: We didn't get this the linear feet of the motorcross from the beginning to the end so that's about maybe 3-mile endurance, you know from the beginning.

Hans Ada: I, I'd have to look at it. I have limited...

Commissioner D. Herrera: Okay.

Hans Ada: I, I haven't been able to go on the racetrack to, to really kind of look at.

Commissioner D. Herrera: You work with John Burch Jr. now? You're, you're in the...

Hans Ada: So, I met him a month ago for the Guam Motorcross Sports Association and that this is when I wasn't at any of the hearings. I wasn't at the hearing last year around this time. I, I recently just joined the effort towards.

Commissioner D. Herrera: The Paseo was a good show. You know the last time there was.

Hans Ada: Yeah, and that was yes, I was there.

Commissioner D. Herrera: That was it that was cool. Did you see that big 44-foot tire that was on that machine? I think that was John Burch's machine.

Hans Ada: Yes sir. Yeah, it was a good event. It was an excellent representation of, of how strong the, the Motorsports enthusiast community is on island and we want to make sure these guys are doing it in a safe controlled environment.

Commissioner D. Herrera: Right yeah. Have you seen the drag strip? The condition that it is now up on the cliff?

Hans Ada: Yeah, I saw. I've seen that; it's, it's you know I would have to I would have to see it more. I haven't even been on the drag strip. I've seen it in the distance but I haven't even been.

Commissioner D. Herrera: From the route from Route 15 from the main road?

Hans Ada: Yes.

Commissioner D. Herrera: You see how high it is?

Hans Ada: Yes, yes.

Commissioner D. Herrera: So, we're going to try to put a parachute or something you know so.

Madam Chair A. Bordallo: On your car.

Hans Ada: Yeah, I, I believe. Yeah, that was that was the temporary drag strip. Ideally you wanted, you wanted a wall for, for sound and that was what the plan was and then 2007, there was a it, was possibly going to be a firing range for the military. So, that held all the real construction that was going on there, and that's why you didn't have things like the GP track. That was a large the original plan for that GP track that is a large foot.

Commissioner D. Herrera: I see.

Hans Ada: So, that, that isn't realistic today but in the in on the east side in those jungle, in that jungle. [inaudible], and what, what I've been told and I've actually raced a, an endurance Mountain bike race in, in that jungle. So, if you, if you see as you're heading up north on the most east part of the off-road track, you continue going straight and that goes into all these foot paths for the, they have the trench challenge which is running over obstacles. You have the cycling and then you have all the running that goes in, in the jungle. Yeah, so I've actually got to go in there and compete and it's, it's like six hours long and it's cool.

Commissioner D. Herrera: You can see the overview of the ocean

Hans Ada: Yeah. Yeah.

Commissioner D. Herrera: So, you got a Kawasaki now? You're planning to get a Kawasaki or Yamaha?

Hans Ada: I don't have anything, but if the track opens that would be great.

Commissioner D. Herrera: Yeah, that would be cool because they have, Joey has a lot of Yamahas that's ready to go.

Hans Ada: Yes. Yes.

Commissioner D. Herrera: But, maybe 60,000.

Hans Ada: And that's, that's the other thing is you know the racing, I've seen it so many different places race tracks; it's a, it's a bonding experience for the families.

Commissioner D. Herrera: Yeah, very.

Hans Ada: You know and I, I see, I, I understand there's, there's the, the negative side of all this, but when they're selling their equipment, it's really hard to get back into it you know and, and it's, it's, it breeds great kids. You know, I got my first dirt bike when I was 12 and I, it's....

Commissioner D. Herrera: Here in Guam?

Hans Ada: No, in Ohio. I grew up in Ohio, but it forces maturity at a very young age so it's very... has a very positive impact at 12 years old.

Commissioner D. Herrera: Kawasaki or Yamaha?

Hans Ada: Honda.

Commissioner D. Herrera: Number one. Don't tell Joey that. You met Joey already?

Hans Ada: I have yeah.

Commissioner D. Herrera: How about Henry?

Hans Ada: I've met Henry. So, Joey, Joey would always whenever I come, he invited me to come race the smoke was raced in 2018. I, I sold him a car that I build in the states and then I, I was that's why I came in 2018 to kind of help him make sure that the car was...

Commissioner D. Herrera: Henry ever sold your cars? Henry Simpson. Have you, you met Henry.

Hans Ada: Yes, yes, I met Henry, yeah but, Henry doesn't sell cars.

Commissioner D. Herrera: No, but he drags, like...

Hans Ada: Yes.

Commissioner D. Herrera: How about Jeff Reed? You know Jeff Reed?

Hans Ada: I've met him at a couple of the races but again recently this, this past month learning and meeting everyone.

Commissioner D. Herrera: He got a warehouse down in Harmon here. He's got the, in the warehouse.

Hans Ada: I've heard.

Commissioner D. Herrera: Good, good Hans.

Hans Ada: I'm sorry.

Commissioner D. Herrera: No, very good Hans. Look what your name is H-A-N-S right?

Hans Ada: My mom's German.

Commissioner D. Herrera: Oh really.

Hans Ada: My dad's Jesse Ada. I don't know if you briefly practiced the Orthopedics here.

Commissioner D. Herrera: Jess the, he's not the senator, right?

Hans Ada: No.

Commissioner D. Herrera: Tony Ada the you know mortuary and ...

Hans Ada: Yes, I, I refer to my aunties for the, the family tree but we are related.

Commissioner D. Herrera: Thanks for coming back to Guam.

Hans Ada: Thank you.

Commissioner D. Herrera: This the Chairwoman, Madame Bordallo and Commission Director Garrido.

Hans Ada: Nice to meet you.

Commissioner D. Herrera: That's our Director and Attorney and our Land Agent.

Hans Ada: Nice to meet you.

Commissioner D. Herrera: Great.

Hans Ada: But, I'm just here to try to find a solution okay, you know it's like clean slate. I don't, we're not advocating for anything that's, that's unfortunately tarnish the relationship.

Commissioner D. Herrera: Do you want to come to the public hearing next week?

Hans Ada: Yes.

Commissioner D. Herrera: What time is that? Do you know?

Hans Ada: Five. It's the last cover. I believe it's three, three bills you're going to cover.

Commissioner D. Herrera: Bring your I.D. card.

Commissioner E. Garrido: Okay.

Hans Ada: But just if there's anything any questions you guys have, I'm just here to help. I don't I'm I think the main goal is we want to try to look forward and just, just so that there's an open track and I understand there's other things have to be handled on the side.

Commissioner D. Herrera: But, we're just kind of ironing out our attorney is very sharp in properties and land.

Hans Ada: Okay.

Commissioner D. Herrera: Okay so that's what we've been meeting for the past 10 to 20 years.

Hans Ada: Okay. I just thought it would be nice to introduce myself personally, just so you know whose head of Guam Motor Sports Associations. I don't know if you guys know John Burch Jr. since you know John Burch.

Commissioner D. Herrera: Have you met John Burch Senior again?

Hans Ada: Again, I haven't met John Burch.

Commissioner D. Herrera: Good very good that's exciting you're driving Grand Prix, that goes up to 240 miles.

Hans Ada: So, on that track, they do but I, I competed in one in for Atlantic so, it was previously indie car or in the early 2000s so that was one of the steps of the ladder system to race indie car. But, they, they corner very fast so on that track very fast.

Commissioner D. Herrera: That about 200 to 250 miles.

Hans Ada: The Formula One cars get up there, yeah, it's like 2 – 235.

Commissioner D. Herrera: And it only goes left not right, left rotation?

Hans Ada: So, so it's very complex. There's a lot of turn right and left yeah. Formula. So, NASCAR is just only turning left.

Commissioner D. Herrera: So, that's NASCAR?

Hans Ada: Yes. Yeah. But, you'll some of the corners and there you'll be going in a very sharp corner at like 150 miles an hour. That's where Formula cars are cool cause you, it's a lot of G-force.

Commissioner D. Herrera: Yeah, NASCAR just goes in one, one rotation right NASCAR?

Hans Ada: It does, they're both I respect both disciplines but formula one is extremely complex.

Commissioner D. Herrera: It's just that you ties will wear just on one site primary or and then you have to adjust your suspension your camera. Okay chair said for me to keep quiet.

Hans Ada: Sorry, I don't, I don't want to take any more time.

Madam Chair A. Bordallo: We have others, one is...

Hans Ada: Okay, Thank you.

Madam Chair A. Bordallo: Welcome to Guam.

Hans Ada: Thank you.

AAG Miller: Madam Chair, I somebody waiting for me so I have to exit.

Madam Chair A. Bordallo: Yeah, you can exit.

AAG Miller: See you on Monday.

Commissioner E. Garrido: Are you guys a tag team today?

Carlos Camacho: No, I just want to hurry up and get it over with.

Madam Chair A. Bordallo: So, what's up Carlos?

Carlos Camacho: Well, thank you very much again. I, once in a while I come here just to listen and try to provide ideas, but you got great manager Joey and Glenn. I've watched you guys' dialogue and oh, I'll sign after then, and I just want to throw in a couple of ideas, because I do deal with Guam Housing and I was, I pushed the 10737 which is now what you guys are describing on the tri-party agreement, and Joey got a good point you know where I only used my five family as example if they do a potential ... you can't use the word foreclosure because you can't foreclose them property but when you do a default on that individual whoever that may be and Joey said let's say number four is the next qualified applicant based on your rules, you guys got to follow the one, two three. However, that would take if the one to three don't qualify will delay the distribution for the payments.

Commissioner D. Herrera: On the applicants?

Carlos Camacho: Yes. So, one of the ideas I got was that would be a great... I'm not sure if that would be a gar within your ... It's so amazing the 107, no I'm sorry that could be either done here or to statutory reasons right, and I think my thought and maybe Joey and Glenn thought about this, is the guys from one, two, three won't lose their position but they'll offer if they , they're not ready to get USDA assumption or loan, they'll go to number four immediately so you don't have to wait to give a lease to one, two, three.

Commissioner E. Garrido: No but, that defeats our time and date.

Carlos Camacho: No, no that's why I was just giving an idea so they don't lose their position you just you just get the next qualified USDA number four to get it. But then you go back, hopefully everybody's not going to go under foreclosure but you go back to one, two and three to say okay what do we do to.... no; you're right the time and date. That's where if you need statutory amendment to say so we don't put you guys in arms way to come up with the money to pay this liability because you got 8,000 in the wait list what you never know what position is ready to assume or get the loan. So, you got to figure out with the attorney and great minds like your management and what do we do to just leave those guys if they're offered this stuff and they can't qualify. How do you jump to number four without violating like you said the time and date. If, but you probably got to make an amendment. That's just a suggestion and idea because what one man can.... I always say this word what one man can put in books like you did time and date, a body can change to accommodate your flexibility. That's all that's what I'm saying for at least one idea if you don't mind. Joey and Glenn? The other one I thought of was as I've been here to the last eight months; I've been hearing this "unregistered land" and it impacts a lot of these 200... I keep hearing 200 something families. Unfortunately, these families don't have the resource to hire their own attorney or they can go to the government claims act and go to, to that bureaucratic process. One of that thought I got is what Joey mentioned that guys would be obligating the 500,000 but it will go to a certain fund but you need legislative authority to move that fund for whatever use you want. Again, my two cents to help an idea take some of the funds to hire your own land registration attorney specifically for that. Put out an RFP to find out what it will cost to register these 200 lots and hopefully attorneys will come in and say well, we'll do all that work for you for 150,00... I don't know, I'm not an attorney. \$150,000.00, but then you get the authority from the legislature to move that part of the 500 to pay that so you solve the 200 applications to get their land registered. At least on, on that scenario and that's just maybe you guys already thought of that

but when you brought when you brought the idea that it has to be legislatively requested for the use, my thought is to fix it and get the land registered. Then they'll be caught in the same web as I hear that they were given the lease on a time and date situation again, right. They caught in the back then so that's internally how you guys have to figure out this. I'm just giving an idea on how to.

Commissioner E. Garrido: That's the biggest barrier. Date and Time.

Carlos Camacho: Yeah, I know so you got to maybe have a work session, I'm assuming a work session so we don't get, we mean don't get stuck there for 8 hours. You guys will figure out that solution.

Commissioner E. Garrido: That, that's like handcuffs.

Carlos Camacho: So, that's just two ideas Joey and Glenn, that I'm just.... You probably already thought of it because like I said you guys got great minds and thoughts, but you guys got 1000 things to do also, but we just, I just wanted to share that idea. The third one you mentioned about hopefully you might be losing your operational cash based on this new 288-37 because now the money after 2015 will go towards two different accounts. Right? After that and then it will dwindle, dwindle, dwindle down. Well, one of the things I recall I remember cause I got involved in the tax assessment with a company way, way back when we did it, and I, I recall when we, we there was a statute if I'm not wrong that says CHamoru Land Trust should get all its taxes paid to GRT back to Land Trust all that money whatever \$10.00 go there, got to go \$10 go back to the Land Trust. I don't know if that exercise ever been done but I heard you said you guys want to get you guys made clean audit. You're going to get to handle your own account. Why don't, that's one source. I don't know how much that is worth, you guys gave out 2,900 leases. They're all paying taxes now, right? I'm assuming but that goes to GRT but that money never comes back to you guys. I, I'm assuming, how much that is I don't know. That can come back to you guys and that would be one of your resources of cash flow. But, if I'm not, if I'm wrong statutory, wasn't that money supposed to go back to you guys? I think.

Acting AD J. Cruz: Yes, the revenue account is called the payment in lieu of taxes highland account, but that revenue source is dedicated for our loan guarantees.

Carlos Camacho: Okay, but they never transmitted to that to you guys?

Acting AD J. Cruz: Remitted no. In 2017, we had to write off like 300 some thousand dollars. We recorded as revenue and as a receivable from the government, but because of the financial condition of the government at that time and the communitive total compounded over many years we had to comply with the [inaudible] regulations and prep, preparation of our financial statement so had to write it off then. Today, our 2022 audit will be completed soon hopefully by the end of the month, if not beginning in July but it'll also reflect that there's a due from the General Fund.

Carlos Camacho: Right. I was you see you got great managers. They know about it, it's just that sources is there and we've been having surpluses lately, just to let you guys know and we've been have surpluses so it's time you guys should figure out how to especially with clean audit as you described Joey, you should see how you can request for those monies to come back to you guys account. That's all those my just three thoughts sharing. I'm always trying to see how we....

Madam Chair A. Bordallo: Sharing is caring.

Carlos Camacho: Yeah.

Commissioner D. Herrera: I'm talking about the surplus that Bill 315 is for to recommend the or to request for the surplus for the 9 million dollars.

Carlos Camacho: Oh, that's, that's yeah... I wasn't talking no I was talking about the land taxes.

Commissioner D. Herrera: I see.

Carlos Camacho: That's supposed to go back to you guys as cash flow and they like Joey just mentioned many years ago when the government was cash strapped, they just wrote that off as a write off but now that we're, we got this military buildup with all the positive cash flow, I think my thought is just said you guys can request for how can you get some of those monies back to you guys.

Commissioner D. Herrera: Now these are land taxes from private and public?

Carlos Camacho: No, no this is from CHamoru Land Trust.

Acting AD J. Cruz: CLTC only.

Carlos Camacho: Yeah. The statute says that money goes to, suppose to go to you guys.

Commissioner D. Herrera: Have we been collecting that in the past? I don't know.

Acting AD J. Cruz: We, we've been recording the revenues but the actual cash in the bank no.

Commissioner D. Herrera: And the revenue roughly would be per year?

Acting AD J. Cruz: Yeah, yeah. So, at the end of 2017, we had to write off like 300 something thousand.

Commissioner D. Herrera: Is that per year collected?

Acting AD J. Cruz: No, no, that was a committed total over five-year period.

Commissioner D. Herrera: I see.

Commissioner E. Garrido: Well Joey that's not substantial. Our whole existence is not substantial for raising revenue.

Acting AD J. Cruz: Off course.

Commissioner E. Garrido: You know a dollar a year for piece of land for 100 year, 99 years 99 dollars for a 100-year lease is ... can't do nothing with a dollar a year.

Commissioner D. Herrera: But the land tax right for the land?

Carlos Camacho: The land tax right.

Commissioner E. Garrido: The land tax, Guam's land tax is the cheapest in the entire nation. It's less than 1%.

Acting AD J. Cruz: Yeah, you're correct, it is less than 1%.

Carlos Camacho: So, those are the three ideas I just want to share. Probably you guys already got it in your you know your.... I just I wanted to stay back because I wanted just to share some, some ideas.

Commissioner E. Garrido: Well, we appreciate it, we do appreciate that insights or outside views looking in is appreciated.

Madam Chair A. Bordallo: Yeah.

Commissioner E. Garrido: Like you said sharing is caring.

Carlos Camacho: That's it I got and just again thanks for always being open and sharing and again I'll watch next week's 287 and I will... I'm not going to comment because both sides are my friends but, I will listen to see if there's anything we could provide in, in regards to Land Trust's Heist and best opportunity. That's all. Thank you very much.

Ron Laguana: My turn.

Chairwoman Bordallo: Yes

Ron Laguana: Thank you for allowing me to speak today. I am Ron Laguana, and I am here to discuss our land. What is your position on the racetrack? Do you guys have support or testimony for that hearing coming up?

Acting AD J. Cruz: According to the board, they support the bill with a specific amendment or addition of a word that...

Ron Laguana: That's it? What about the public law on the two hundred acres of public land designated by the south raceway? Can you recommend your position? You know, since...the actual intent of the CL... the CHamoru Land Trust was not for recreational, not for activities. It's for the people. Right there, you have one employee struggling to live her life, wondering when it is her turn. I want to make sure that we support Raceway, we support, but you guys have to state your position and stand up for those lands. Start thinking outside of the box. We support racing, but they are going to request, I am hearing that they are requesting to take over the entire two hundred and forty, and we've seen what they did from that and their conscience. I have talked to them, I said to Joey Crisostomo, I said Joey your conscience Joey, you know what's been going on I still have yet to talk to Jeff Rios now he's a member of our Ancestral Lands and he's part of that, what is that? Our people are stealing from our own ancestors from the future of our children we have to stand up brothers and sisters, and fight for our people that's what we need to do we cannot just let it go by and let these people just because it's a racing industry of a spot yeah again we got to we support it but let them use only the portion that's needed not to get a try to expand and create their own motor bicycle racing track recommend that there is a public law that designates approximately two hundred acres for racing in the south we stated that in our last position hearing no we were down there and you know we just want to work it so that we can maintain and retain as much as these properties back to our people for purposes you know you think about that always bring it back to when we protested this with the late Anghet Santos, Ed Benavente, they're all gone now. I'm just trying to maintain from the Inifresi right there and maintain the seven elements of our people. The land, water, spirituality, all those there. That's what I pledge and I still maintain for that but I am glad that you guys are working really well, thank you Joey, Glenn you guys. I just want to keep up with what's going on with Ancestral Lands as well I keep those guys intact, we got a clean audit and I'm hoping you guys also would get a clean audit and we work together so these lands are sacred lands, Joey. You know we have the same attorney, but we need to get him to assist us on the side of giving recommendations at the public hearing and they are going to be coming with their

amendments believe me they will be there they're going to strike this and then we want to take all these lands this and that for that and it's all beautiful, it's a political time right now that's why we got them at that point I just came back from that hearing down there on the...to bring up on the agenda, on the septic tanks, on the nitrate system, yeah there was about forty of us down there when they saw us they were going to strike that out for the putting it on session floor but when they saw us they passed it so they're in fear right now so that brings it back that put it in public that remember this the CHamoru Land Trust Act was for the CHamoru people for them to have their dream and the racetrack was snuck in same with that golf course I don't know how that happened but all of a sudden, the late Senator Frank Santos, all of suddenly. I liked it because it was classic and I liked it, but later it was Ted Nelson. Give it back to our people. Everyone is devious. Regarding the golf course, if it doesn't pass, what is our next move? On that, I say "our" because we are CHamoru. We have to stand up for that. Just because they have a payment plan, but if something defaults, are we going to the movement to terminate the lease and put it up for RFP? How a strategic plan may we, you should have that in your mind at all times when we're down there because they I'm telling you they're prepared and they're scared because they brought in their hot rods, they brought in the new president because that's the news we have a new association now. Don't close your eyes. The same players that's the bottom line. State your position, get ready for the public hearing so I will be there just to...I don't care if there are a lot because a lot of the public is listening. Those are our people. I have talked to them, the ten thousand that are waiting, and we have fighters here that will work to achieve that goal to have your dream lot passed out to you guys for generations to come and it remains in trust, and I like that the loan doesn't matter, it will never be gone and then you inherit the assets after that infrastructure to, and that will help for the building more infrastructure for you know to keep an open eye there you know I get affordable house, affordable home \$500,000 but like my brother here he's got that good idea you know to help sitting here man I tell you a story I want my children to apply like for the land trust ten thousand they apply grandchildren or something right, because they don't have any land, will come up the name right something but hopefully within twenty, thirty years and they'll call up my daughter, your name's up clear ten thousand and one. You guys will have your building structures; you all have some dreams, but at last, they have that dream to protect the lands, the CHamoru land, and sacred lands. It's what we expect everybody down. Some dreams for our children. So, we expect everybody down there; we should be down there and state your position, protect it with the best interest, and at least say, hey, the two hundred acres is a public law. No, there's a public law, and we suggested that you at least do your motocross down there because that's where the dirt is perfect. They brought all the red dirt up there. It's down there; red dirt is down there.

Commissioner E. Garrido: That's true, that is true.

Ron Laguana: So, designate that already, and there's no cacao down there, so guaranteed no problem, but here, Henry, remove the blocks; come on, don't worry, it's nighttime, they are all sleeping, you don't know what's going on, but we got to monitor and hire your staff I mean supporting the budget hearing I will be there to support the CLTC for your additional staff to monitor when it comes to the raceway, put someone there. I want an employee of CLTC, your staff, to come and reserve seats for the board members to, you know, at least something like the benefits, what, let you guys in because this is honorary. These are our landlords, and make sure those monies are collected so that they're coming in the revenues coming in. It has to bro. We already know that they are making fools of us...

Chairwoman Bordallo: Mr. Laguana, you mentioned nitrate. That's the word for your sewer system.

Acting AD J. Cruz: Nitrate?

Ron Laguana: Yeah, but they say they were saying that there's still not enough research on that matter. Could it be poison? But it's in a new technology an alternative. From Ordot all the way up, did you know? I attended that training. There you go, right on point, wow that's beautiful. So, this is what I am asking you guys to protect the land. Don't give them all just some because they will take it all. Two hundred and forty acres there, oh my, remember the past. The intent was not for recreational nor activities it was for the CHamoru people to have their dream residential or agriculture. Think of that and then we already experienced it. They act like they don't know, but they keep on, oh ok, but they still continue. That's all I am saying Joey, I'm sorry, but that's how I am. Because I feel sorry for our brothers and sisters. I feel the spirits so we need to protect our lands and our people all that is in the Inifresi.

Commissioner Herrera: And her husband, the late Senator.

Ron Laguana: Oh yeah! We will all be together, my part. We protested down at Adelup. We were down. I was bold and wearing a saudi. I was there every day with those guys. I didn't go hungry strike, but it was a historic decision they said it was unconstitutional, but look at it now.

Commissioner Herrera: They gave it to land for the landless.

Ron Laguana: Yeah, and they stopped Land for the Landless because anybody qualifies; when you get off the airplane, that's it, get a GovGuam ID or license, that's it, qualify.

Commissioner Herrera: Two thousand, very cheap.

Ron Laguana: That is what hurt, but it's ok because it all stopped. I'm going to go drink, just one.

Chairwoman Bordallo: Thank you.

Ron Laguana: Yeah, okay. Yes, my sister. Was that your father?

Chairwoman Bordallo: He was my husband?

Ron Laguana: The late senator? YOUR HUSBAND! Oh, my goodness, auntie. Right on, right on. Wow!

Commissioner Herrera: That is the why the club house...

Ron Laguana: Yeah, Joey, we testified with the vice chair. I was crying and mad, but I was wrong. I said I didn't support the public law last; all my testimony supported the solar farm, but I was wrong.

Commissioner Herrera: This was a town meeting in Dededo yesterday.

Ron Laguana: Town meeting, yeah. Nine million upfront, once it generated revenue at the end, Carl, at the end of the lease, about fifty million, right? At the end of the lease, or...

Carlos Camacho: No, that's the prepaid...

Acting AD J. Cruz: Present value.

Carlos Camacho: That's the present value.

Ron Laguana: Present value, oh, ok.

Acting AD J. Cruz: That's the value of the lease.

Ron Laguana: What is the value of the lease? But how much would that generate for CLTC?

Carlos Camacho: No, we gave a schedule, and you did the present value to prepay the lease.

Ron Laguana: But the money is for infrastructure? Right?

Commissioner Garrido: All at one time.

Ron Laguana: All at one time?

Carlos Camacho: But you know, I made it clear at the legislature that you guys can get that appraisal, get the new value plus the existing, and figure out what the hybrid would be on the remaining lease. That's the flexibility I brought up in the public hearing because you know people were saying, hey, you were paying a lease schedule based on years back. I said, well, get the remaining lease we asking. I know this is not in the topics.

Ron Laguana: No, but we were outnumbered there, Joey, Ms. Bordallo if we have three board members.

Acting AD J. Cruz: If possible, can we discuss this later? They might make a decision that will void everything.

Ron Laguana: Yes, but there were three golfers in that council. Three golf members in that council that are on the Municipal Council so, we're at risk of not winning that battle there that one but still something, they don't want, somebody had an idea that we put it out in the ocean, good luck with that. Anything to protect the land, that's all.

Carlos Camacho: For the record, 288 is on the session agenda already.

Acting AD J. Cruz: 288?

Carlos Camacho: 288, the one that you guys got here, was just adopted by the committee on rules for this session. Whatever you guys are trying to amend, maybe you can suggest it before tomorrow.

Acting AD J. Cruz: We'll get it there by...

Ron Laguana: This is the...

Carlos Camacho: The infrastructure program.

Ron Laguana: Okay.

Carlos Camacho: It's one that was voted on for the session agenda.

Ron Laguana: Yeah, today.

Carlos Camacho: Just to let you guys know.

Chairwoman Bordallo: It's time to...

Ron Laguana: Yeah, okay, thank you.

Acting AD J. Cruz: If that concludes our public comments just because it was mentioned again, please note that there's the Public Hearing on 287-37 on the 20th at 5:00 pm. So, if the meeting goes past 4 something

Commissioner E. Garrido: Okay, we'll end it early.

Acting AD J. Cruz: Okay

Madam Chair A. Bordallo: Can you just send a memo

Acting AD J. Cruz: Okay, it's at 5, it starts at 5, but given the amount of people that may attend it's nice if we go a little earlier. Not necessarily parking but a chair or something.

Commissioner D. Herrera: I like to make a motion to adjourn.

Commissioner E. Garrido: Second

Madam Chair A. Bordallo: All in favor say aye.

ALL: Aye

(MEETING ENDED – NOTHING FOLLOWS **)**

The meeting adjourned at approximately 5:25 PM.

Chairperson Arlene P. Bordallo _____

Date _____

Concurred by: _____

Date _____

Acting Administrative Director
Joseph B. Cruz



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Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

REGULAR MEETING MINUTES

CLTC Conference Room
Suite 223, ITC Building, Tamuning, Guam
Thursday, June 20, 2024

Public Notice: *The Guam Daily Post* on June 13, 2024 and June 18, 2024

Commission Members

Arlene P. Bordallo
Chairperson

David B. Herrera
Commissioner

Earl J. Garrido
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

John T. Burch
Acting Administrative Director

PRESENT:

Commission Members

Arlene P. Bordallo, Madam Chair
David B. Herrera, Commissioner
Earl J. Garrido, Commissioner

Management and Staff

Joseph Cruz, 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 1

Public Comments

Leticia Cruz
Josephine M. Scharff
Anita F. Cruz
Martina Cruz
Elizabeth Rabon

Rev. 04/04/2024

Call to Order

Madam Chair A. Bordallo called to order the meeting of the June 20, 2024, Regular Board meeting at approximately 1:05 pm.

Madam Chair A. Bordallo: CHamoru Land Trust Conference Room is located at 590 S. Marine Corp Drive ITC Building, Suite 223, 2nd Floor Tamuning, Guam. Public comments may be made at cltc.admin@cltc.guam.gov. To view the meeting virtually, log on to GovGuam Live-You Tube or CLTC's Facebook page or Google Meet joining info Video call. Link <https://meet.google.com/dtb-pczj-nbk?hs=224>. This meeting is now called to order. A quorum must be present. So, we will start with...

Roll Call

Madam Chair A. Bordallo: David Herrera

Commission D. Herrera: Here

Madam Chair A. Bordallo: Earl J. Garrido

Commission E. Garrido: Here

Madam Chair A. Bordallo: Joey Cruz

Acting Administrative Director J. Cruz: Present

Madam Chair A. Bordallo: Attorney Norman Miller, OAG

Attorney N. Miller, OAG: Here

Madam Chair A. Bordallo: Public notice requirements Guam Daily post was published on June 13, 2024 and June 18, 2024. The Website as mentioned earlier and the CLTC Facebook page.

Director's Report:

Acting AD J Cruz: Thank you Madam Chair and the Commissioner Members for providing me this opportunity to present the Administrative Director's Report. The first item on the report is... I would like to introduce to you the participants of the 2024 Governor's Summer Youth Employment Program, there are 5 students behind me and they will introduce themselves. [inaudible] unable to hear the students

Commission D. Herrera: Welcome everybody.

Acting AD J Cruz: The next item on the Director's Report is we want to give you an update on the MedPharm. We are just waiting for Guam EPA to schedule the site inspection. We will be accompanying Guam EPA doing their site inspection in relation to the activities that regarding MedPharm's unauthorized usage of the Chamorro Land Trust Lot located directly behind them.

The next item on the Director's Report is Global Recycling, we will be conducting a site inspection tomorrow afternoon, maybe about 1:30 or 2pm tomorrow afternoon. During our site inspection we will be ...we will be conducting assessments of and taking pictures of unaddressed storage of metallic waste and other items that are currently being stored at Global Recycling and after that after our inspection is done and our assessment is done if we will request the inspections of other Regulatory Agencies such Guam EPA and DPW if need be.

The next item is we spoke about our compliance campaign that we have engaged with the Mayor's Council President, Mayor Jesse Alig. Tomorrow I will be meeting with Chief Ignacio of Guam Police Department to explain our campaign, our compliance campaign and how and in what areas GPD may be able to assist us with our compliance campaign.

The next item is we just recent; yesterday I believe it was we just received two bills from Speaker Terlaje. The 1st bill is Bill 245-37. Its an Act to Amend Subsection 6A 107 of Chapter 6A Title 18 Guam Administrative Rules and Regulations relative to the switching of application types of the CHamoru Land Trust Leases. And then we also have Bill 246-37 which is an Act to Amend Subsection 6A 117 of Chapter 6A Title 18 Guam Administrative Rule and Regulation relative to the lease award of Chamorro Land Trust Leases. The Speaker is requesting for comments and testimonies regarding these two bills unfortunately because it was not published. It won't meet the requirements although it doesn't prevent the board from wanting to discuss these two bills. It'll just without the public proper notification, we just can't, the board just can't make a decision on it.

AAG Miller: Madam Chairman, members, I might suggest it with regard to both pieces of legislation in the event that any of you are individually visiting with members of the legislature about these particular bills you might suggest and encourage them to amend the bills to include a retroactivity clause. The bills are great and, and they address several issues that we're all aware of exist within the, within the current lease portfolio, but if these bills become law, they the... these changes in law won't allow us to sort of look back to people who have obtain various variances in, in their relationship with the trust unless the legislature specifically permits the commission to look back to, to address legal questions retroactive retroactively. So, if again if any of you are speaking with your friends and colleagues at the legislature, please encourage them to include, include a retroactivity clause.

Commission D. Herrera: Is that also known as the grandfather?

AAG Miller: Yes.

Commission D. Herrera: Same, same language same group. Okay, thank you so much

Acting AD J Cruz: If any of the board members had reviewed the law, we'll take notes of your concerns.

Commission D. Herrera: A short question on "C" 246-37-C. That would be the add on this bill that's the amendment?

Acting AD J Cruz: Yes.

Commission D. Herrera: So, the event that the applicant is on sufficient Pro as stated commission proceed to process next. So, take for example number six (6), we're at six (6) so but number six (6) has been already ratified on the Public Law?

Acting AD J Cruz: Again, that Public Law did not include the grandfather clause.

Commission D. Herrera: Okay, that's the retroactive clause. So how, how can we do that as the board to, to add in to the rules to the GARR? I mean is it in our jurisdiction to do an adding, add retroactively?

Acting AD J Cruz: There, there is a process that the board can take which is a [inaudible] process to create our own policies. Although because the grandchild identification through successorship was done through law there'll be a conflict between what we tried to add in the GARR versus what's in the act and through my understanding with discussions with various attorneys, our previous attorneys is the act supersedes the GARR. So, when we try to apply the board's desire of adding or trying to retroactively apply the inclusion of a grandchild in the successorship it will conflict with the Act which the Act will supersede, and if I'm wrong then Attorney Miller.....

AAG Miller: No, you're, you're not wrong at all and, and frankly should, should these bills either of these bills become law with without a grandfather clause it makes it more difficult for the commission to try and address issues and leases in the past because, because what the because the legislature will have said ... well, from this date forward think about these leases this way. Well that also means for all the leases that came before you got to think about it that way and there's, there's no if, if these changes in law are made, you'll have very little flex regulatory flexibility to try and solve historical problems.

Commission D. Herrera: So, the historical issues that we have with the void and voids would still be under the void and void voids?

Commission E. Garrido: If it's not addressed by law then as you're saying everything status quo. There'll be two mindsets prior to the law and after the enactment of the law.

AAG Miller: Yes, and just so you all understand if you are talking into Senators exactly what the magic words are, you should be asking for is the.... for example, in in this new language in "C", if the legislature simply amended new "C" to say you know from and after January 01, 2015, January 01, 2010, pick a date. If, if they give us a if they give us a date back in time and say from that date the commission can go forward forever and ever then it's all good.

Commission D. Herrera: Was... ratified that would sign by the

AAG Miller: Right, so and the, the same thing with the other bill if the if the bill were to say from and after January 01, 2010, an applicant may request a switch of application type or 2005, pick whatever date is the is the right date. But, if, if the legislature specifies a date backwards and says from that date back there, all the way up till now you have the authority to, to do this new make these new changes then, then we can look at all the existing leases and, and fix them.

Madam Chair A. Bordallo: Can you provide the language?

Commission E. Garrido: For the resolution.

AAG Miller: Sure, as I said it's the language is simply from and after pick a date.

Cross Talk

Commission E. Garrido: Will it be able to say from inception of the COPC until December 30, 34th, 31st 1995. Cause we don't have any leases. We're, we're stuck right now at January 2nd, I mean December 2nd or 3rd?

Acting AD J Cruz: December 2nd.

Commission E. Garrido: So, there's no leases after that because we haven't processed any.

AAG Miller: Well but you, you want you want these changes to apply tomorrow, hopefully if they made the changes, we would start processing more leases and people tomorrow and next month and the next year might want to make these changes as well and we want to give them the opportunity. So, we don't need to put an end date on it but we do need to put a start date on it. So, from and after December 1st, 1995, an applicant may once in her his or her lifetime transfer.

Commission E. Garrido: Now, I have a question about the bill. I didn't see anything that would substantiate a switch and if a switch was made, what happens to the placement of the person that requested to switch?

AAG Miller: Switch in lease type or switch in priority?

Commission E. Garrido: Priority date and time.

Commission D. Herrera: And we go to Section "D" on two.

AAG Miller: The, the bills?

Commission D. Herrera: Yeah, 245 Section D that would be the switch requirement would be an emergency if an emergency exist. You see that on Section D... second....

AAG Miller: What, what neither bill addresses the question of people who were granted a lease out of date and time priority. Those people still have a problem. We're still going even if both bills become law, where there's still a problem, we're still going to have to do something about that. What, what these bills address is the people who switched from agriculture to residential that they were they were in the right priority but they, they switched what the, the kind of lease they wanted and then subsection D allows people who are who are in the still in the right place in line but they can give their place in line to a relative.

Commission E. Garrido: Yeah, yes but I guess my question is what happens to their placement when they give it to a relative?

Acting AD J Cruz: If I may, once the applicant and how it had happened in the pass when the applicant switch date and times applicant "A" will take applicant "B"'s date and time and applicant "B" will absorb applicant "A"'s date and time.

Commission D. Herrera: So, this is only the applicant mode not lease mode?

Acting AD J Cruz: Correct.

Commission D. Herrera: So, not the people that had a ratified piece that have switched and this is where these things going to be resolving those issues right? They are, because those that have switched and were given the lease are in violation or not in compliance with, right? So, this is to.....

Acting AD J Cruz: To address that.

Commission D. Herrera: The ones that were given the lease.

Acting AD J Cruz: Who switch date and times.

AAG Miller: So, if I may Madam Chairman members of the board; where you, you have a lease holder who got their lease by switching their place in line with somebody else and let's say that

lease was granted in 2010 but we, we get the language says from and after December 1st, 1995, if that applicant who's in fact a lease holder comes in and says well back in 2010 here was the emergency that required the swap and you all go yes that sounds like an emergency you're approved then problem solved. On the other hand, if you don't approve their claim of emergency then frankly, they should leave the property.

Commission E. Garrido: Status quo.

AAG Miller: Right.

Commission D. Herrera: One of those cases where applicant passes away and then the second applicant takes the place of the original applicant and the second applicant is not... [inaudible – unable to pick up]. We do have a case like that, fourth person right and then will issue them and fast forward today after five (5) or ten (10) years that particular applicant that switch because of the original applicant passing away build a home got mortgage 10 years into the 30 -year amortization now will this bill resolve that particular case?

Acting AD J Cruz: No.

Commission D. Herrera: So even if we add the retroactivity clause?

Acting AD J Cruz: I, I think we, we need to we they may need to be consideration the third degree of contact ability requirement because I, I don't believe that everybody who did switch application date and time have any relation within the third con... [inaudible]. There may be some but there's also some that are not and to your example that individual is not within the third conta [inaudible] of relation the deceased applicant. Just through, I, I remember that case very well and just through what was provided to us that individual is not.

Commission D. Herrera: Yeah, so, so in addition to that additional GARR was that didn't mention that if there was no beneficiary noted that the commission may make the determination.

Acting AD J Cruz: That's correct.

Commission D. Herrera: So, so would that suffice that?

Acting AD J Cruz: Because there's a after that it's within, within the named line of succession.

Commission D. Herrera: So, be switch?

Acting AD J Cruz: No, so if, if a lessee does not name a successor the board can come in through that authority within the Act or the GARR to name a successor to that lease; although within the listed individuals or relatives within the line of succession. So, currently it's husband or spouse, children, widow, widowers of the brothers and sisters, siblings, grandchild now, but and nieces and nephews. So, the cousin of the deceased will not fall within that line of succession.

Commission D. Herrera: Even if the board makes it possible?

Acting AD J Cruz: Yes, cause the board also has to follow the line of succession or

Commission D. Herrera: I see.

Acting AD J Cruz: Or relation.

Commission D. Herrera: So, to resolve that, that would be the modification of the successorship line.

Acting AD J Cruz: To add another relative.

Commission D. Herrera: So, maybe our attorney can insert that language to because there may be more in that category.

Acting AD J Cruz: There, there possibly could be but I guess the boards going to have to decide at what point do you draw the line. Do you want to remove that an any eligible applicant or do you want to add an extend the line of succession but to what end right do you stop that first cousin, second cousin?

Commission D. Herrera: Or the applicant stage or even on the lessee....

Acting AD J Cruz: Under the successorship of a lessee.

Commission D. Herrera: I understand. Okay. I know last meeting we discussed this with the Guam Housing right that in the end of foreclosure that the to not foreclose, we look at the successorship category if they're qualified right to continue the mortgage versus able to

Acting AD J Cruz: I, I believe also we the discussion was to have the named beneficiary or co-borrower of the loan but our concern was that what if the or... what if the lessee comes in to change their beneficiary. Then that current co-borrower is not entitled or eligible even to succeed that lease but has to continue to pay.

Commission D. Herrera: The co-borrower?

Acting AD J Cruz: Yes.

Commission D. Herrera: Okay, so maybe the attorney can have that simple language.

Acting AD J Cruz: We'll work with Attorney Miller. I don't know if there'll be enough time to compile any additional comments or recommendations or amendments to the current bill to be able to present to the board and then get it to the legislature prior to their public hearing.

Commission D. Herrera: That would be amended on 245 yes, right?

Acting AD J Cruz: The two bills that that were shared with us from the Speaker's office but we'll go over it. We, we won't only consider one type of amendment, we'll consider multiple so at least the board has choices and choices that could resolve all of our issues, but please note that one of the issues that cannot be resolved or will not be resolved even through amendments is.... Or maybe I could be wrong but the unregistered property. There still needs to be land registration. But aside from that I believe the issues that we've identified in the past and the corrective actions that have been assembled to address those potentially will resolve at least 98% of our issues. But, like I mentioned earlier we'll, we'll work with Attorney Miller, and we'll come up with several types of amendments for the board to consider and we'll provide a simple explanation as to how these amendments can be applied to resolve the issues.

AAG Miller: And, and it, it will be for you all to decide what's the fair, what's the equitable thing to do between the people who got out of line in the past and the people who have been in line for many years. For example, the, the legislature could it would be perfectly legal for the legislature to say CHamoru Land Trust cannot lease unregistered land. That's the current law. They could then say however, if the CHamoru Land Trust did lease unregistered land, the Land Trust may permit the lessee to register that property by you know December 31, 2025, and, and anybody who had a

lease on unregistered property who couldn't fix the registration by December 31, 2025 has to get off.

Commission D. Herrera: By 2025?

AAG Miller: I, I'm just making these dates up because the leg... it's good to make the law. You get to pick, you get to so, it, it would be up to the legislature to pick what these dates are in the past and what these dates are in the future to allow people to fix the problems that, that we all know exist.

Commission D. Herrera: And they, the applicant or the lessee they may continue occupying and may continue paying the mortgage, how than... [inaudible] for that and then 2025 deadline comes and the property still not registered then we amend the amendment.

Acting AD J Cruz: Or even to without putting a date until it's registered or you know something to that effect but it's just examples but like we mentioned earlier we'll provide several of proposed amendments and with some explanation to how it would address our current issues that we're dealing with today.

Commission D. Herrera: So, there's no date for public hearing on this?

Acting AD J Cruz: We, it wasn't in the email just requested for comments and amendments.

Commission D. Herrera: So, we may have time to do our work session our amendments and modification.

Acting AD J Cruz: Hopefully.

Commission E. Garrido: Attorney Miller 245-37 that's addressing success successorship, correct?

Commission D. Herrera: Switching, switching. 245 is switching on applicants.

AAG Miller: Yeah, it the ... in 245-37 there's no require the, the proposed changes don't require there to be any of your relatives involved in in making this law go; it's that the applicant can switch lease type and the applicant can switch their place in line with somebody else. It's, it's 246-37 ...

Cross talk

AGG Miller: Yeah, no I think, I think the first yeah... as Joey point, I'm sorry as Joey pointed out the you can only, you can if you're going to switch your place in line you have switch your place in line to a relative.

Commission E. Garrido: But that's you're reading that from 245 or 246?

AGG Miller: 245.

Acting AD J Cruz: That's on D under D.

Commission E. Garrido: Applicant. I want a clarification on D, page 2-D. It says an applicant may, may once in his or her lifetime transfer or switch their applicant date in right times to a qualify applicant in the third degree

AGG Miller: Right so that what, what D on page two says is I can switch my place in line with a relative that's within three degrees of relations to meet. I, I can't switch my place with a member of the public. And, and the commission has to and for the switch to be legal the commission has to agree an emergency access. But, it's up to you to decide what an emergency is.

Commission E. Garrido: And it's a one- time deal.

AAG Miller: Once in your life time.

Commission D. Herrera: And, and that too we can amend because it's a ninety-nine (99) year. It's a perpetual kind of lease. I give you some thought but still on the applicant mode right not lease.

Acting AD J Cruz: It, it would lead to the ... normally and what I've from the past and what had transpired was everybody who switch application date and time was issued a lease right after. So, like, for example me and Attorney Miller, we were both applicants. I wasn't ready but I was ready to be awarded a lease I would switch with Attorney Miller and then he'll be awarded a, a lease. That's how it took place in the past but nonetheless, if we were just applicants further down the list based on this Section "D" we would only be able to switch one time and if there was an emergency that was acceptable to the board if we were at if we were related to the third [inaudible].

Commission E. Garrido: Yeah, but then that would negate for one time, correct?

Commission D. Herrera: You switch one time then the switcher gets a lease that that finalizes that transition that one time switch.

AAG Miller: So, number seven (7) could switch with number one thousand (1,000) once in their life time but number seven (7) is going to be stuck at, at position 1,000 and they you can't switch again.

Commission E. Garrido: Yeah, well a switch is going to be considered or is going to be defined as both parties so number seven (7) and number one thousand (1,000) switch that's it for their life time.

AAG Miller: That would be my understanding.

Commission E. Garrido: Is not a switch that going to be credited to number seven (7) and Mr. one thousand (1,000) can switch later on.

Commission D. Herrera: Do we know what the basis was for the switch? I mean what was the origin? I mean I'm trying to think back when the author was this was [inaudible] right? This came from [inaudible].

Acting AD J Cruz: I, I don't think in the original law there was a to switch applicant.

Commission D. Herrera: So, this is a GARR this is from GARR?

Acting AD J Cruz: No, the GARR and the Act was silent on the switching of application.

AAG Miller: The switching is brand new language.

Commission D. Herrera: From the government administrative rules and regulations?

AAG Miller: No, for its, it's a proposed amendment to the to the law to the statute on, on processing application.

Commission D. Herrera: And the statute is 12-226 right now the original Public Law?

Acting AD J Cruz: Yes, but everything through everything in the law has been codified into the Act.

Commission D. Herrera: Which is Chapter 75A?

Acting AD J Cruz: 75A correct.

Commission D. Herrera: Okay.

Acting AD J Cruz: But, the, the 245-37 is adding a section in the...

Commission D. Herrera: Chapter 75...

Acting AD J Cruz: 6A 107 which is the GARR.

Commission D. Herrera: Also rules and regulations which we have us commission to add or delete, or modify in accordance with [inaudible]

Acting AD J Cruz: Correct.

Commission D. Herrera: That in the Chapter 75?

Acting AD J Cruz: Not everything that not everything in the GARR is in the Act. The GARR is in the Act; the GARR is really our rules regs. It's almost like our like SOP almost to follow. But if in the event the GARR should contradict the Act, the Act should supersede the GARR.

Commission D. Herrera: And the board can add in to the GARR?

Acting AD J Cruz: Through a process.

Commission D. Herrera: If it's in compliance with the lease award.

Acting AD J Cruz: I think Attorney Miller if it's possible if you can provide some insight on if in the event the board decides to include any language and try to retroactively for it to be retroactively applied; will there be any legal ramifications if it's done that way?

AAG Miller: There's always some risk that when the, the Commission and the Legislature and the Government of Guam try and make legal things that when they happened were illegal that somebody down the line in the list of applications could sue and say wait just a minute. You, you should have those leases were illegal, you should have kicked all those people out and if you would have kicked all those people out my number would have come up and it's not fair that, that you let these, these bad people who did these bad things keep their lease, meanwhile I'm stuck out here in you number 500 and we'll just have to see if that if that person shows up.

Commission D. Herrera: The [inaudible]... now we have 2,900 leases, we're still stuck at number magic number 666. So, therefore we have possible low class action lawsuit from 2,800 and...

AAG Miller: Well, now the you could get the lawsuit the, the other direction you could get the lawsuit which says you know my grandfather got the lease in 2000, I have no idea how my grandfather wound up with the lease but my grandfather got the lease in 2000. When he passed in 2002, he passed the lease to my mother; when my mother passed in in 2006, she passed it to me.

We've done everything the lease says we're supposed to do. We made every payment we're supposed to make and it's not fair. Just like the people number 500 could say it's not fair you didn't kick all those people who jumped the line out. The people who got the lease in 20... and who have been doing all the right things could say... you know it's been ten (10) years it's been fifteen (15) years I've been here I've done all the right things I don't know what happened way back then but it's not fair to me that you, you come now 10,15,20 years later and try and kick me up. And those people could bring along a lawsuit.

Commission D. Herrera: Okay, thank you.

Acting AD J Cruz: So, Madam Chair we like I said we'll work with Attorney Miller, we'll come up with several amendments and then present it to the board for consideration and we'll also provide an explanation as to what the amendments will do whether it's to extend the line of succession to account for also people who are not within the line of succession, the current line of succession whether they're outside of the third [inaudible] of relation but, but we'll provide explanation so at least the board is well informed of what the intentions are of the proposed amendments. So, with that discussion that concludes the Administrative Director's report.

Acting AD J Cruz: Madam Chair, with the lengthy discussions we had on these the intentions of these bills we would recommend for consideration to the board that, that all the items on the agenda today be tabled. All the items except for one and the reason for our recommend, recommendation to the board is each and every individual lessee that's named in on this agenda has an issue or anomaly surrounding their lease award so authorizing any further improvements or actions to their lease award will cause a may potentially cause a higher liability that the commission already is or will incur. The only applicant or the only lessee that we ask to be heard is Mr. Victor Andrew Sahagan. Mr. Sahagan is not requesting for.... Mr. Sahagan's request is only for a letter stating that he will not be able to build on his unregistered property which would be issued to SBA. From what I've learned is Mr. Sahagan I believe had requested to transfer that SBA loan and he'll be able to use that to build on his private property. And the reason why we bring it to the board is because the board is the, has the authority to grant authorization to apply for a building permit so we, we request that the board consider our recommendation and to table all the items except for Mr. Sahagan.

Commission D. Herrera: And that's to Does Mr. Sahagan have a loan guarantee? Yes?

Acting AD J Cruz: I believe he does but they're going to I guess rescind or terminate the loan guarantee. Mr. Sahagan will take that his SBA application or award and apply it to his private property where he'll be able to construct the home. The commission will not be liable for his loan.

Madam Chair A. Bordallo: You, you said his private land?

Acting AD J Cruz: Yes, we, we just learned that he owns private property or his, his spouse does so it be used on his spouse's private property.

Commission D. Herrera: [inaudible]

Madam Chair A. Bordallo: What about the property that's under the CHamoru Land Trust?

Acting AD J Cruz: That property is unregistered.

Commission E. Garrido: Has that property been developed at all?

Acting AD J Cruz: Based on site inspections the staff has identified that Mr. Sahagan has been farming.

Commission E. Garrido: So, an agricultural lease?

Acting AD J Cruz: Yes.

Madam Chair A. Bordallo: Okay, you need a motion to not to discuss business?

Acting AD J Cruz: We can go in the order if that's what the board decides. If the board decides to table then I believe we go into order.

Commission E. Garrido: Let's hear Mr. Sahagan's case first and then we'll decide to table.

Acting AD J Cruz: Okay. So, we'll move to IV – A -6 which is Mr. Sahagan.

Commission D. Herrera: And on the New Business 1,2,3,4,5... these are just loan guarantees?

Acting AD J Cruz: Loan guarantee and request.

Madam Chair A. Bordallo: Why, why would you need a loan guarantee build in different...

Acting AD J Cruz: Oh no. To Commissioner Herrera he was asking the first five on 5-a. Those are all loan guarantee and requests.

Commission D. Herrera: Any of these are here or just?

Acting AD J Cruz: Yes. Some are present.

Commission D. Herrera: So, this are just for loan... I know being for the.

Acting AD J Cruz: No, the recommendation to table it is because everybody listed on this on this agenda has, has one or two or three anomalies surrounding their lease award without the proper amendments to the to the law or to the GARR, those actions are considered I guess illegal and may potentially result in them being null and voided. So, any further approvals or actioning such as improvements will, will potentially create a higher liability.

Commission D. Herrera: [inaudible]

Acting AD J Cruz: Correct.

Commission D. Herrera: So, we move to Constituent Matters?

Acting AD J Cruz: It's up to the board. I believe everybody on the agenda was informed.

Commission D. Herrera: Okay.

Acting AD J Cruz: Correct?

CLTC Visitor [unidentified]: I'm sorry just hearing you guys talk but I wasn't informed about any, you're going down the list.... I wasn't informed about anything, that's why we're here.

Commission D. Herrera: Okay

Madam Chair A. Bordallo: What is your name?

CLTC Visitor: I'm B-1.

CLTC Staff J. Dayday: She's not a part of the loan guarantee, not request. She's not, she's not here for a loan guarantee. But right now, we're discussing the loan guarantee, the fives, right? The five.

Madam Chair A. Bordallo: The first five (5) is Cesar Deraco, Nor Higa and Daniel De Leon Guerrero, Josephine M. Scharff, Silvester Quenga Guerrero, Pedro R. Benito. Those are the five (5). And you're Leticia Cruz?

Commission D. Herrera: On new or constituent matters?

Acting AD J Cruz: Again, we would recommend to table any discussions although for the Victor Sahagan request it's not, he is just requesting for a letter that states he well he cannot... Is requesting for a letter that he cannot build on unregistered property. Although it's not well he shouldn't have been leased the property but we won't be able to provide him a building permit authorization for the mere fact that it's unregistered.

Madam Chair A. Bordallo: So, it's just a letter for?

Acting AD J Cruz: Yes, SBA.

AAG Miller: So, then Madam Chair, members the board action would be to simply authorize your, your Acting Director to write and sign the letter saying no, no loan guarantee for you.

Commission D. Herrera: We need to make a motion?

Madam Chair A. Bordallo: Yes.

Commission D. Herrera: I like to make a motion to authorize the Administrative Director to proceed and provide required letters to constituents on number, number five (5).

Commission E. Garrido: Six (6)

Commission D. Herrera: What new business number five (5)?

Madam Chair A. Bordallo: Six (6). New Business number five on item six A-6

Commission D. Herrera: A-6 New Business A-6.

Madam Chair A. Bordallo: Need the name.

Commission D. Herrera: Oh, of Mr. Victor Andrew Sahagan.

Commission E. Garrido: Are you complete?

Commission D. Herrera: Yeah.

Commission E. Garrido: I second.

Madam Chair A. Bordallo: All in favor say Aye

All: Aye.

Madam Chair A. Bordallo: Motion carried.

Madam Chair A. Bordallo: Now for the which is five New Business A-1, 2,3,4,5 for a loan guarantee request to be tabled.

Commission D. Herrera: Do we need to make a motion?

AAG Miller: Yes sir.

Commission E. Garrido: Are you requesting Mr. Cruz, are you requesting that we table Old Business, New Business except for number six (6) and constituent matters?

Acting AD J Cruz: Yes, correct.

Madam Chair A. Bordallo: No, on loan guarantee request.

AAG Miller: For now, the motion is simply to table New Business Sub A numbers 1 through 5. That's the proposed motion which will, which will require a second and above vote.

Commission E. Garrido: What about constituent matters?

AAG Miller: We haven't started on those yet. The motion is to simply table New Business Sub A-1 through 5.

Commission E. Garrido: Well, I had just asked him if was everything. There's no motion yet on the table?

AAG Miller: There, there was a proposed motion to, to table simply Sub a 1 through 5. That we can withdraw that motion and expand the motion to table additional items but the motion on the table on the table is to table New Business Sub A numbers 1 through 5. We can withdraw that motion and expand the motion to table additional items, but the motion on the table is to, the motion on the table New Business Sub A numbers 1 through 5.

Commission E. Garrido: Who made the motion?

Acting AD J Cruz: Commission Herrera.

Commission E. Garrido: I didn't hear it. Well, I, I will second the motion but I would like to amend to it that we also include Old Business and New Business Sub B 1 through 9.

AAG Miller: Commission Herrera it, it's up to you to accept or reject that proposed amendment.

Commission D. Herrera: The addition of the Constituent Matters 1 through 9?

Commission E. Garrido: Yes.

Acting AD J Cruz: And Old Business.

Commission E. Garrido: And Old Business.

Commission D. Herrera: And to table the entire and for the reason because they all have a.

Acting AD J Cruz: There, there's anomaly surrounding their lease for example all may have an issue with the award prior to their date and time. The examples that Attorney had given had to is

that's the prime issue we have with majority of our leases today out of the 2,911. Only 19 be are, were awarded or applied between 8:00 and 8:07. Everybody else is outside of that time. So that 2,800 and some leases that were awarded outside.

Commission E. Garrido: And some of these items may be addressed with, with the proposed...

Acting AD J Cruz: Not all leases but a lot of leases fall under different categories. Some of them may be awarded prior to their date and time. Some of them may have switched their application type and also to include some of them are on unregistered property. So, one lease can consist of three (3) different issues and you know it's not the fault of the lessee, but unfortunately this is what we're dealing with today and, and we have been very active in trying to find resolutions to these issues. We, we thank the speaker for sending these proposed bills which I believe is also that derived from the addition or proposed additional authority for the board that we had sent her I believe back in July of last year if I'm not mistaken. So, there are, I'm crossing my fingers and there are more bills to come that will address all of our problems. Today, as Commissioner Herrera had mentioned about number six (6) is we're going through it and that possible resolution to that is we prepare it, present it to the board to, to deny the name successor of the grandchild and then request that the board consider the grandchild to succeed that application because the law that was just recently enacted allows for the grandchild to succeed. So, that, that we're going through and if not tomorrow by Monday we will be sending Assistant Attorney General Miller an inquiry whether the application whether our proposed resolution accounts and applies the, the law properly to ensure that number six (6) won't have to come back to see us other than to make payment and sign her lease if, if that's what going to happen after we review and consider all the laws that are available. But, that a possibility, but until we're done with our analysis and our assessment and we forward it to Attorney Miller for the yay or nay, but we won't know but that's what we're doing now today again any requests that come in for survey authorizations, anything outside of utilities for humanitarian reasons or certifications for Public Health, GHURA at least now that I'm sitting in the active Director's position or until Mr. Burch comes back we, we won't be signing any documents outside of that or other than the, the letter requested by Mr. Sahagan. And that's to ensure that we do our fiduciary duty or at least I do my fiduciary duty to ensure that the commission is not placed or experience a higher liability. So that's, that's one of the reasons why or that's the primary reason why we're recommending the board to consider to table all the discussions and all the decision making for the other constituents listed on the agenda.

Commission E. Garrido: For this meeting.

Acting AD J Cruz: For this meeting.

Commission D. Herrera: And we continue next month or the next meeting?

Acting AD J Cruz: In hopes that the... that the proposed amendments are ready already. But even at that if it's not enacted into law, we will still request to table it until it's enacted into law the necessary amendments are done.

Commission D. Herrera: So, there two things on number six (6) and also the SBA timeline. Most of these constituents are asking for loan guarantee because of that disaster you know that's number one (1). So, I guess my question is that is that amendable, you know the SBA would they, we amend... then because these guys are still living under damage homes.

Acting AD J Cruz: Understood.

Commission D. Herrera: And then the second one would be the true activity clause for number six (6), is that number six (6) now has not been solved yet.

Acting AD J Cruz: No, but we've already had reviewed current and existing laws new and existing laws to see if we can resolve it in the matter that I had just mentioned by preparing the staff report for the board to terminate the naming of the successor the grandchild, but then at the same time coming back and requesting the board to name the grandchild as the successor through the authority granted to that new Public Law. Speaking to the timeline and, and the time requirements of SBA if any constituent would need our assistance in reaching out to SBA to assist or to provide them with any type of letter that will support their extension we will do so. We will explain what is going on with the... their requests. We, we'll try to do as much as we can to assist them to get the extension.

Commission D. Herrera: I guess my concern is the living condition that they're in with a you know a disaster condition and that means that they're still under a, a home that's damaged. So, I, I know it's already been one year and a month. 13 months since May or 14 months, so I guess that's the humanitarian part. This bill is not going to be finished. Maybe in 6 months, six (6) more months maybe another 12 months. So, I guess with the humanitarian spirit, how, how human it is, how human is it for us to continue tabling the constituents that are under the request for loan guarantee? That's, that's I mean you know, I mean.

AAG Miller: Madam Chairman, Commissioner Herrera if I could interject here. We could for example ask each one of these folks who are looking for SBA loan guarantee to fix up their property, we could to know sort of sign a piece of paper that says They understand there's a problem or two or three with their lease but their want to go ahead with the loan anyway and we, the commission can make no promises as to what might happen tomorrow or, or down the road. But if, if they want to borrow some money to fix up the property, they're on today knowing that they might be gone sooner rather than later. If, if you thought that was a better idea we could certainly do that.

Commission D. Herrera: I see. So that would detach us from the liability just from the, the mortgage in a sense. You know on the SBA mortgage and they'll get into the condition of being in a humanitarian let's say sound and sanitary. So now we're weighing the economic cost and the human condition cost. I mean I I hear and I understand our fiduciary responsibility but a lot of the lessee here that had that had lease that were ratified was maybe not to their like you mentioned and, and I don't know if it's a class action lawsuit that would start the process to get this thing in a serious condition to be addressed accordingly. Because there's 200 and you mentioned 2,000, only 11 is kind of ratified.

Acting AD J Cruz: 19.

Commission D. Herrera: 19. So, of the 19 they won't be part of the class action lawsuit.

AAG Miller: Well, we, we do what the Legislature tells us to do but we also do what a judge tells us to do. So, how however, however we can get some official direction as to what to do with the problems from the past all the better.

Commission D. Herrera: So, you recommend that we bring this in front of the judge?

AAG Miller: I will never recommend that you sue somebody, but somebody might sue you.

Commission D. Herrera: So how do we assist in the humanitarian approach? Those that are living on especially the elder, the elderly and especially the children that are living, and rainy seasons coming in and we got typhoon season coming in and this is going to be another cycle.

AAG Miller: Again, you all make the decisions. The recommendation of your staff is that the commission don't allow lessees who have issues with their lease to put good money after [inaudible] to, to add new financial liabilities on top of existing financial liabilities when so long as

there is a risk that the lease will be terminated and they'll be told to leave. But, none of us know when that date is, is going to get here. Maybe the Legislature fixes these problems for us maybe they don't. Or, another approach is for as I just described as to say to borrowers, lessees we're telling you that there's a problem with your lease. But, if, if even knowing that you could be the lease could be terminated tomorrow, you still want to make this loan, we won't stand in your way. But, if you, if you get if you ejected from the property, you still have to pay the loan.

Commission D. Herrera: Yes, I understand. So, may I request that, that particular graph of document at least in one or two forms produced and then we can... at least that's my recommendation. I'm not sure of the two Commissioners and the burden of liability will now shift to the lessee. Yeah, we're giving them the door to save [inaudible].

Madam Chair A. Bordallo: Okay, can I, can I, you have anything to say? [directed to Commission E. Garrido]

Commission E. Garrido: Well, I believe I put an amendment to the motion. That has to be act on.

Madam Chair A. Bordallo: Yes.

Commission D. Herrera: Second the motion.

AAG Miller: Commissioner Herrera, the, the question for you is whether you accept Commissioner Garrido's amendment to your motion which is to table essentially the rest of the agenda.

Commission D. Herrera: Okay, yes, I do.

AAG Miller: So, Madam Chairman we now have a motion and a second and we can vote on whether to table the rest of the agenda.

Madam Chair A. Bordallo: We're going to table number four (4) – Old Business – "A" 1,2,3,4. "B" – Constituent Matters number one (1), and number five (5)- New Business "A" – Loan Guarantee Request, numbers 1,2,3,4,5. "B" – Constituent Matters 1,2,3,4,5, 6,7,8, and 9. All in favor.

CLTC Guest: May I, may I ask a question.

AAG Miller: Not, not right now. Thank you.

Madam Chair A. Bordallo: All in favor say Aye.

ALL: Aye.

Madam Chair A. Bordallo: Motion carried.

Acting AD J Cruz: Madam Chair if I may since the motion is done, just so we can get clarification in regards to the document that would release the liability of the Commission in regards to SBA loans, I think if I'm not mistaken those SBA were approved contingent on CLTC issuing a loan guarantee. Now, if we, if there is such a document that should be approved and agreed upon and Attorney Miller if you can answer this.... that would, that would mean CLTC would not be required to issue a loan guarantee anymore because that's what the guarantee serve says the commission is backing that loan is that correct?

AAG Miller: Yeah, in the... in where the.... where SBA expects the commission to pay the loan in the event the lessee fails to pay the loan even the, the lessee was to sign a piece of paper that says

I know that the lease might be terminated because the guarantee is a separate contract between the commission and SBA. SBA will still look to the commission to, to guarantee to make good those loans if payments aren't made.

Commission D. Herrera: In the past we have several SBA loans that we [inaudible]. About six (6) of them were already foreclosed and they're with U.S. Treasury as we check. So, how does that parallel with this now I mean you know what I'm saying we have about 119 loans from the past that totaled up to 13 million and then we were trying to get a loan guarantee and we have 6 million that guarantees the... that we have now and Escrow account, so how.... I'm trying to see the parallel where it helps both sides. Those that were given leases back then 119 in the books and then now the 25 new [inaudible]. So, so you know it's a food for thought. This is not the place for it maybe we can do a work session.

Acting AD J Cruz: Yeah. I just wanted to bring that up because I understand that everybody who was approved for SBA loan, that that approval was contingent whether you get a loan guarantee from CLTC. But, if we're going to go the route of creating a document that would, that the lessee would acknowledge that they will be responsible and the CLTC will have no liability then I. I don't see or I don't think either that the loan guarantee will be needed. But, if the lessee goes back to SBA and provides that document or even and does not provide a guarantee, they may not be approved for the loan. But again, I just wanted to I was thinking out loud and to get the inside also from Attorney Miller and the board and that's one thing also we'll work on.

Commission D. Herrera: Good and it maybe beneficial to us to [inaudible] to the SBA attorneys and our legislature on a tri-party collaboration. Because we still people that are in the emergency mode and that that's the old spot like.

AAG Miller: We can talk about.

Acting AD J Cruz: And what we, I just mentioned to Attorney Miller is maybe they can consider a co-borrower as....

Commission D. Herrera: All those things right that's why I'm say do a graph have an option one (1), option two (2), option three (3) collaborating with SBA, legislature and us with the Executive Branch and we'll see because we can keep hanging this up on the up on the cloth line. We've already been here for 13 months and really putting a lot of time to get this loan guarantee project done. I mean, I mean [inaudible]

Madam Chair A. Bordallo: Have we come across unregistered land where they're requesting SBA guarantee?

Acting AD J Cruz: I believe so.

Commission D. Herrera: Yes.

Acting AD J Cruz: Mr. Sahagan is one.

Commission D. Herrera: Right, right. 3805 is one. 10121 is one. We got 223 leases on unregistered land.

Acting AD J Cruz: I believe too if I'm not mistaken, one of the three (3) that we just received might be on, on registered land, but we'll verify. But, like I mentioned in the last meeting, we just received a demand letter for payment from SBA that totals in the tune of something of \$210,000.00 but in the July meeting that will be presented to the board for ...

Madam Chair A. Bordallo: Is that for unregistered?

Acting AD J Cruz: We'll verify as soon as the reports done at the meeting we'll share it.

Commission D. Herrera: The Guam Housing last time was unregistered.

Acting AD J Cruz: Yeah, Munoz Mr. Munoz. So, there is, there are loan guarantees and mortgages made on properties that are unregistered.

Commission D. Herrera: So, these optional documents that will say maybe you know option again with tri-party, Guam Housing. SBA, legislative land and our part if we, we, I'm pretty sure if man made the law, then man can fix the law. Its only man made it's not god's law

Madam Chair A. Bordallo: You want to open for Public Comments?

Acting AD J Cruz: Ma'am if you can come to the table and sign your name and state your name. Sign in and state your name.

Public Comment:

Leticia Cruz: Hi I'm Leticia Cruz and, and in your agenda B-1. So, I was just you were saying something about tabling the constituents and cause there's discrepancy and we were notified. I wasn't notified about anything.

Acting AD J Cruz: Your discrepancies of your lease award?

Leticia Cruz: Yes.

Acting AD J Cruz: Okay, what, what we'll do is we'll make sure to schedule you an appointment and based on your availability and you can come in and one of the Land Agents will explain what are the issues surrounding your lease award so you have a better understanding. I, I do apologize that you weren't informed of that, but we will make it a point to schedule an appointment for you after you're done there you can enter this other side of our office and we'll get down your information, your preferred date and time just as long as between Monday and Friday, and not on holidays and we'll schedule to meet with you and we'll go over everything the issues surrounding your lease award so you have an understanding.

Leticia Cruz: Thank you.

Josephine Scharff: Madam Chairman, members of the board, Mr. Cruz and CLTC staff. I need to understand something and I think Mr. Cruz can answer this. When I was doing the process of trying to get the loan guarantee, I was told in the office that they need to do all the checking of the property to make sure everything is all there and when that's all taken care of then I can get on the board to be put on the agenda. Okay, so that's my first understanding. My second understanding is that when we had previous meetings that I showed up for we always tabled it because there was no legal counsel to sign any documents. So, now that we have a legal counsel, I don't know why we we're still tabling it. So, first of all I'm a sickly woman, I left to the states for medical referral, I came back because of this typhoon that destroyed my property. So, when it rains it pours, my house is flooded and stage four (4) kidney failure right now, I'm being treated by Dr. [inaudible] for cancer which is the pellets, cancer of the pellets. I have heart issue and like Mr. Garrido here I mean Mr. Herrera said am I going to wait till I am in that hospital where I'm not able to breath and I'm not I'm in a coma or I'm dying? All I want is a house a place to call home. That's all I want and I just all I want is a loan guarantee, a paper saying that I need my survey my land to be surveyed and a paper say that that I'm able to build. But, that's it. You've done that on past applicants. You, you did it. You had one that was in the newspaper okay, I may not be living in a tent but if you see my, my

property Mr. Eay. was there and Ms. Arlene I think they, they inspected it. Then when you mentioned again unregistered, what do you mean by unregistered? Because I'm paying property tax and building tax. What, what do you mean by unregistered?

Acting AD J Cruz: The property hasn't been title to the Government of Guam.

Josephine Scharff: Which, I don't understand.

Acting AD J Cruz: So, there's a land registration process it has to go through and that juncture of people are informed the government want to register into their name. Claimants come to that court hearing the judge will decide who's the actual owner and then...

Josephine Scharff: What is that paper that I get from here that says this property is CHamoru Land Trust and Josephine M Scharff what does that mean?

Acting AD J Cruz: You're not unregistered, I don't see it here on your staff report but there are other people who have lessees like who we discussed earlier and in the previous meeting who were awarded an unregistered property which means that it's not, it's not titled to GovGuam or it's in the inventory of CLTC. But CLTC went ahead and gave them a lease.

Josephine Scharff: I just want, I'm asking is please you know find it in your hearts to help the people that are in sync with all the paper works and all the documents that you need because I keep coming to the meetings and I'm hearing about the organic act and this is what the AG found and so you guys are correcting it as you go along. I feel that I'm in that on in that okay mark where I, I think I'm doing everything right that I need to according to the organic law the organic act, and I'm just asking how long more? I waited one (1) year, one year (1) and SBA told me on the 26th of this month they gave me the extension thanks to you by the way and because we asked for an extension because of this meeting on the 20th. I have another extension on the 26th and after that I'm done with the extension. So, I won't be able I have to go back and request again to have them redo my application. I'm already approved with SBA for \$200,000.00 to build my two-bedroom house. You know where I live, I don't know if you are familiar with Swamp Road, so where I live number one (1) I just deal with it because it's a property that was given to me and I only have one neighbor but everybody know what Swamp Road is, everybody knows that it's, it's not a safe place. Even the pastors that came to help me do a little bit of work they found out oh is this a drug place around here? I, I don't know, I nobody bothers me there but just the area by itself and that's why I've asked the mayor change the name. Put Saint Mary's Road or something you know. But, that's why I'm here only because I just need for somebody to help me get to where I need to be. I have to go back to the states. I've been here one month, I'm seeing Dr. [inaudible], I'm seeing Dr. Rosales okay and I'm seeing Dr. Terlaje here. So, my insurance here does not cover my 20% so that comes out of pocket. So, every time I see doctor it cost me \$600.00. I have an appointment on the 29th and I purposely missed an appointment because how am I going to pay \$629.00 when I'm already paying for my medic so you know and that's where I'm at but you know if, if it can be done and I have to wait I have no problem waiting. I've been doing it for one year but I don't know how long I'm going to be here in this island. I have to go home I mean not home but I'm a medical referral right now. I have all my doctors back there that's all set in stone but if I have to wait, I would appreciate a document from your office or something asking for another extension. I don't know if they'll grant it to me but I need that something just something.

Acting AD J Cruz: Ms. Josephine you mentioned a date is the 26th June or July?

Josephine Scharff: June. 26th of June.

Acting AD J Cruz: When you're finished there if we can we'll have someone get the information again of the individual you're working with, we'll, we'll do our best and we'll, we'll provide something to support an extension and just so the board knows to we we'll reach out to Mr. Lujan whose office

is here at SBA and also to the as one of the attorneys that the previous Administrative Director Ms. Tajeron had spoke to and we we'll try to figure out in the interim until and through Attorney Millier if, if it's acceptable to SBA to approve the, the loans that were made without the guarantee until such time as the issue surrounding their lease award has been addressed. But that's something we can do but we just kind of decide that.

Josephine Scharff: But, but Mr. Cruz let me explain that makes me any different from those other applicants that you guys already gave a loan guarantee too. What, what why am I different from them?

Acting AD J Cruz: What I could say is that at that time when those approvals were made there was no request to table those decisions. I, I was not the Acting Administrative Director at that time and so today after we go through every everybody's file, we can consider all the facts all the laws that are present. We also consider believe it or not what you guys go through in terms of putting out money spending money that may not be recoverable if your lease should be terminated. So, we consider all of those things.

Josephine Scharff: But, I mean and I'm one of them we see I'm okay, I have everything that

Acting AD J Cruz: You did everything and like I always say every lessee who has a lease today it's, it's not none, none of your fault. It's unfortunate that the way the lease was processed wasn't exactly the way it was supposed to be and given that it's like that we, we have taken a proactive approach and had developed or came up with additional authority or amendments to the current law that would address that with our previous attorney Assistant Attorney Tom. It's just I, we can't control the timeliness of bills being introduced but like we mentioned today, Speaker Terlaje just sent two bills that will be heard soon. We don't have the date yet but it's to address some of the problems that have been identified.

Josephine Scharff: And how about a document at least can I get my survey? Can I at least get that? Can I at least get a paper saying even if you guys don't give me a loan guarantee can I at least give SBA a paper that say.... I didn't even know that I needed this one at CLTC that you need permission to build on the property. I didn't even know I needed that I, I didn't know nothing until these ladies here were good enough to help me and explain to me and Mr. Eay you know so that's how I was getting along with the process. But, the most important thing is the survey if I can just get my property survey so I at least I know where my boundaries are at and a paper saying at least that I can build. Now if I turn that to SBA and it's not good enough for them and they still want your loan guarantee then that's them. Because I've talked to Ken, I've talked to Ken Lujan and you know he goes because they their office here is the Guam office they don't deal with the disaster office they, they're not together I mean you know he can give advices but he cannot interject whatever they have so anyways thank you. You know that having faith and believing and trusting in God has got me through this this long and I continue to do that, and I'm very thankful for the board and all of you here at CLTC. I'm not one of them that's going to come in here and get and get mad and cuss because it's not going to get me anywhere. It's just going to make my blood pressure go up so thank you Legal Counsel for being here. I've waited for this.

Acting AD J Cruz: Can you provide the information Jessica. Thank you

Josephine Scharff: And you all have a blessed day and safe day. I didn't get an answer about my, my survey and the document. Am I going to at least get that part?

Acting AD J Cruz: At this time that would require we won't be able to issue that.

Josephine Scharff: Okay, so I have to wait until July 18 again for the for your next board meeting?

Acting AD J Cruz: We, we will call you ahead of time to give you an update on the status of the proposed amendments.

Josephine Scharff: Okay, thank you.

Anita Cruz: Good afternoon I'm Anita Cruz number two (2) on the old business to be tabled. So, like what she says, we've waited or waiting and Mr. Eay, the Land Agent told me back in June after the typhoon when I came in to get a authorization to transfer the, the property over to me I mean the utilities to me because it's always been under my brother before the, the transfer was done. The transfer is done over to me and so I've been waiting like three (3) to four (4) years to get that authorization for the utilities. So, when the typhoon came in and I came down again and I had requested for it to transfer to my name since I already had the lease, Mr. Eay said there was a problem with my, my lease again. I'm being audited but he went ahead and gave me the authorization. The utilities under my name so I've also had a authorization to do a survey on the property which I did and Mr. Castro died before the final map was approved. So, I and those are the, the documents that I gave SBA at the time, the signing of the loan. I gave them the copy of lease the, the map even though it wasn't approved yet because corrections needed to be done by Mr. Castro of course he never did because he died. So, I went ahead and got another surveyor and put it down to 1500 to do the survey and he's telling me now that I need another authorization again from CLTC. So, I'm at a stand still and the house is damaged and the living conditions is not good. I'm having problems with the septic tank now and you know rats infested with rats which I've tried to control. So, within the time I've caught about 21 rats in the area and they've come into the house and I, I tried to secure the house as much as I can so that they'll stay out. But yeah, I'm at this point where I'm going to be one of those clients that need another extension with SBA because it's still... And so, from the time that Land Agent told me that there is a problem with the lease and I'm being audited nothing has been done as far as to try to resolve the problem. I mean you know he's given me options but nothing else. I paid back ten (10) years of taxes already, okay I paid the \$99.00 already on the property, the rental. But even and the lease has been recorded, documented with Land Management, but even though I've done all that, I'm still not able to do anything because the decision comes the final decision is the board and the Director, the AG. So, you know each time I come here I'm always tabled always tabled. Nothing's been resolved and it's been a year also and I'm a single parent here I mean I don't know if that has anything to do with my you know my status here but my adopted son has signed off on the loan. So, it's not just me you know and my son is earning good money so and the agriculture, because it's an agriculture lease, they've come out and they assess the property also. And so, I'm, I'm in compliance with everything according to the... my lease and but like Mr. Herrera say, and I agree with him the law was made by man so man can change the law. Why is it that we're being penalized for errors made the CLTC or the employees when they did and the commission you know agreed with the transfer of the lease. So, but we're being penalized. I mean we're put in a situation where we're at a standstill. We can't move forward we can't move back but yet we're all in you know compliance. Most of us are in compliance with CLTC has on our lease. You know and but even at point nothing's been done to resolve the issue that what's going on with you know with this particular file and we've been able to resolve this particular client. No, we've been table, table, table you know and we're not getting any younger. I'm sixty-seven (67), I'm retired I have enough money to pay for the loan that I signed off on so as my son. He's twenty (20) years old, he's my beneficiary in case something happens but he's also on my loan. So, my income, his income you know I don't see a problem or issue there because you know I raised my son.

Commission D. Herrera: What is the condition? Unregistered land?

Acting AD J Cruz: No, but there are several. One of the issues is that your file was pulled for the audit and there was an issue of the acreage award.

Commission D. Herrera: Okay, hold that thought so it's an Acreage issue?

Acting AD J Cruz: That's one of them. Okay, the second one is the lease awarded prior to the date and time. The third one is the application switch, the application type switch. Those are the issues.

Commission D. Herrera: Okay, so which one's the key? The switch or is it the size?

Acting AD J Cruz: All, all three (3) have bearing that created the anomaly surrounding her lease award. We, we will set up an appointment with you to, to further discuss the issues surrounding your lease award but definitely the acreage award needs to be addressed so does the other. They all hold the same weight, although the acreage award was pulled by the audit that we went through so we have to address that too or else it'll become a reoccurring

Commission D. Herrera: So, even if the acreage situations resolve the

Acting AD J Cruz: There's two (2) pending issues.

Commission D. Herrera: So, there's like five (5)?

Acting AD J Cruz: Three (3). The lease, the lease awarded prior to the date of time and the switch of application time. So, one of these bills will resolve the switch of application type.

Anita Cruz: What do you mean by switch?

Acting AD J Cruz: So, initially they applied for residential...

Anita Cruz: Right.

Acting AD J Cruz: But then it was changed to

Anita Cruz: Right so [inaudible]

Acting AD J Cruz: The law doesn't allow for that. But like we said prior to your case it's not the constituent's fault. CLTC allowed it and it happened so now we're here to try to resolve all those issues. We want to try to prevent any more leases being null and voided by the Attorney General. You know the 102 that have been null and voided only 16 so-called adjudicated but we're going to go back and conduct one another review to ensure that the statutes were applied correctly. There's 86 still pending. The board according to the AG's opinion has no authority to correct those null and void actions or those actions that deem the lease is null and void. But, again the bill one of the bills we received would allow for the applicant to switch their application date and time once in their life. We just have to go back and, and come up with other alternatives or amendments so that possibly the relation of third contract can be considered to be removed. Hopefully the emergency can be reconsidered and removed. I'm just speaking out loud. The board hasn't decided yet but those are the things that we're going to be throwing around and jotting it down and presenting to the board. We're going to put present multiple amendments and the board will be the one to decide. But, currently applying what's in statute today those are the issues that surround your lease.

Anita Cruz: I understand that and then so you know that's where Department of Agriculture come out and assess the property to because according to the lease, I have to plant 2/3 of the property; has to be and it's more than 2/3 that I put you know plants down, fruit trees down. So, that's another you know issue with the all together but yeah, if we can just get together and try to resolve this, and also my extension for SBA because it's been

AAG Miller: If I, if I might add is as both you and Commissioner Herrera noted man made these rules and man can change these rules but none of the men and women in this room make the rules.

Anitia Cruz: Right.

AAG Miller: The folks who make the rules....

Anita Cruz: So, we can get the Directors and you know to address this with the, the Senators or you know to put in that amendment because on our behalf unless we have to be one to go down there and ask them. You know, and, and tell them about our issues. I did go to the Speaker and got really much, I mean they the Director was the one who changed the ... or, or they discussed the part where the switch or the ... you can't give it to your in-laws.

Acting AD J Cruz: Grandchild. Those issues.

Anita Cruz: Yeah, so you know that's about the only thing that they've been able to change up but that had to come from you guys to recommend that thing.

Commission D. Herrera: We have about maybe six (6) more that, that we're working on so for example, here's two (2) this is one (1) of the two (2) of six (6).

Anita Cruz: That's right. Thank you.

Commission D. Herrera: But at least for the past 29 years at least now we're addressing some but I, I have a question of the leases, I mean the loan guarantees that we authorize here we were all here at that time with Mawar, how many have we approved? Loan guarantee, roughly about five (5)? Cause I know there was like 25 that came in the door and I think it was only five (5) or less than ten (10).

CLTC Staff J. Dayday: No, there was about 20.

Commission D. Herrera: Or 20 that came in the door? Or 20 that we approved?

CLTC Staff J. Dayday: 20 that you approved.

Commission D. Herrera: Okay 20.

CLTC Staff J. Dayday: Then the four (4), five (5) actually cause Mr. Billy Cruz, five (5) were all tabled.

Commission D. Herrera: Because of the unregistered land.

CLTC Staff J. Dayday: One is... two (2) is unregistered yes.

Commission D. Herrera: Okay, two (2) unregistered and then the rest are similar to....

CLTC Staff J. Dayday: Ms. Anita, her case is table part of the table... she's number two (2) on the Old Business.

Commission D. Herrera: Two (2) okay.

CLTC Staff J. Dayday: She's been tabled since she requested... she was a part of the 26 tabled. Original initially was 26.

Commission D. Herrera: Okay 26 and of 26 we got 20 that we approved?

CLTC Staff J. Dayday: Yes, and then the rest the six (6) are tabled right now.

Commission D. Herrera: Okay, so just and what is with the four (4) just in roughly?

CLTC Staff J. Dayday: The four (4) right now, one is one is unregistered then you have Ms. Anita and Ms. Mariano who acreage size and then compliance.

Commission D. Herrera: And who is that Felix Roberto too?

CLTC Staff J. Dayday: He is unregistered.

Commission D. Herrera: I see, I see okay. So, we got about five (5) to six (6) more.

CLTC Staff J. Dayday: And then Ms. Nelson is.....

Commission D. Herrera: [inaudible]

CLTC Staff J. Dayday: Yes, that's the [inaudible]

Commission D. Herrera: We have about maybe out of 26 we got 20 that we approved and six (6) that's [inaudible]. And here's the logic right, we, we approved 20 and I recall this with the past attorneys. We, we read each Land Agent's report and each Land Agent the facts the chronology the issues and off course my first radar that came up was that with the facts right; from the first 20 everybody has an issue. Everybody. But, because of the condition the, the momentum of the typhoon and the condition of the constituent living under tinged conditions, we went ahead and proceeded. So, in the language of liability right of the 20, the 20 that we did, we did it for humanitarian purposes. Yes... I can say in my part and then now we got four (4) more and we're putting the breaks on this one. I understand they were different because when we first started this one it was Alice Taijeron then from there it switched over to what's her name? Angela Camacho that's two (2) and then John Burch?

Acting AD J Cruz: Yeah.

Commission D. Herrera: And then now Mr. Joey Cruz. So, so off course right the first three were turnovers but off course Joey's been here over the last 30 years. He, he has seen and I used to be a Land Agent myself back then.

Madam Chair A. Bordallo: You're on the report too on her case. D. Herrera Land Agent 2000, January.

Commission D. Herrera: And I have no fear because the objective here right... don't forget right...

Madam Chair A. Bordallo: Site inspection racing game and vegetation in a single dwelling on site.

Anita Cruz: That was under Cruz.

Commission D. Herrera: Oh, when I...

Acting AD J Cruz: Her brother.

Commission D. Herrera: And that was my report.

Madam Chair A. Bordallo: So, the question is, did they ever survey the land?

Anita Cruz: I got the authorization and Francisco Castro started doing the survey.

Madam Chair A. Bordallo: And have you completed? I know he passed away but did you hire someone?

Anita Cruz: I hired Duenas and Associates; I paid \$1,500.00 down but for them to start I need survey authorization. So, \$1,500.00's been sitting there for 6 months the initial down payment.

Acting AD J Cruz: And this will lead back to why we proposed or we recommended to table any decisions just like you stated you have already put \$1,500.00 down. If you're just to make that's only deposit and if you're the issues surrounding your lease award are not addressed, they may potentially; they may, your lease may potentially be voided and then you lose \$1,500.00.

Cross Talk

Anita Cruz: So, when I called Department of Land Management and I believe they there was just one issue and Mr. Castro was supposed to make that correction, but unfortunately, he passed away and I've already paid him \$1,600.00. My last one was 500 to be paid once the map got approved. We went through the walk through everything but like I said unfortunately he died.

Commission D. Herrera: Here's... because that's a two (2) acre Lot, right?

Anita Cruz: Yes.

Commission D. Herrera: And an acre limit for agriculture?

Acting AD J Cruz: Depending when your lease was awarded after, I, I don't remember public law but anything over half an acre happening it requires legislative approval.

Anita Cruz: Right yeah, you never got legislative approval.

Acting AD J Cruz: Anything over half.

Commission D. Herrera: And when is the.... if you get an acre now or

Acting AD J Cruz: You need legislative approval for anything over half acre for agriculture purposes. But we'll go back and we'll start from the beginning. So, in the beginning the creation of our Act there wasn't anything that would identify or delate if you were awarded a certain piece for commercial or subsistence agriculture. Fast forward to December 98, the law changed or the Act changed, was amended and anything from a half-acre below is considered subsistent; anything greater than half is considered commercial for agriculture. These doesn't include grazing or anything like that but specifically for agriculture. And then after that there was another change and anything that was awarded. Anything over half-acre would be agriculture purposes would need the legislative legislature approval.

Commission D. Herrera: Okay, so she's ... you, you have a home already, right? It's a single dwelling. So, for residential Joey below

Acting AD J Cruz: Residential.

Commission D. Herrera: Up to an acre.

Acting AD J Cruz: For residential but we, we try our best not to award anything up to an acre.

Commission D. Herrera: So, she's got two.

Acting AD J Cruz: She has two.

Commission D. Herrera: So, can we ... this a legal question, right? Just do the survey just take what you need to build your home and then....

Acting AD J Cruz: But, because she has an agriculture lease, she needs to comply with the agriculture terms first. I'm not saying you're not, yet I mean I'm not saying that you're not but what has been done in the past and this is one of the issues we have. We give an agriculture lease we give you a building permit we give you a loan, go build your house. This the commission just created an obstacle for the constituent because there's no sewer. The you need septic tank leaching field there's requirements for that. So, you put a 1500 square feet home in right smack in the middle of your house accounting for the driveway, there may not be enough room for you to farm [inaudible]

Commission D. Herrera: So, she can be or this case she... half an acre?

Acting AD J Cruz: If, if that's what it is because I don't know where your house sits or... but....

Commission D. Herrera: What's going to be a new building or something?

Acting AD J Cruz: So, for example she was given half a half-acre lot.

Commission D. Herrera: That's the requirement for without sewer?

Acting AD J Cruz: Without sewer and let's just say it's 18 48 times (x)... Ms. Cruz would have to farm 2/3 which is about 1,200 square meters of that lot.

Commission D. Herrera: On the half acre.

Acting AD J Cruz: Yeah, which will leave about 616 square meters to put her house to put her leeching field and to put her septic tank. If I'm not mistaken and I don't want to wrong information but ...

Madam Chair A. Bordallo: They're using 3/4.

Acting AD J Cruz: But, for the example of a half-acre. You, if I'm not mistaken and I remember correctly your leeching field needs to be a certain feet away from your property line. After that there's another distance between your leeching field and your septic tank, and after that there's another distance between your house and your septic tank and depending on how big and where you put your house, your house is going to need a driveway. So, we all know that for the front of your lot there's a setback requirement that's 15ft from the property line. So, accounting for all of those variables if we allow Ms. Cruz to build her house on an agriculture lease property prior to complying with the lease terms we just made her fail because she won't be able to do so.

Commission D. Herrera: On a half- acre.

Acting AD J Cruz: Not enough land available.

Commission D. Herrera: Right, so, so that acre has to be increased?

Acting AD J Cruz: Not necessarily cause the intention of the agriculture was really to farm. We can give as low 929 a quarter acre lot, but it doesn't, doesn't, it will not prevent them from building just as long as you comply with your lease terms. So, you need to farm 2/3 of your property. You need to farm so many put so ... down, so many trees every year and depending on your lot size and all that other great stuff and you know, but it, it's not your fault Ms. Cruz, we allow things to

happen but we're just trying to make sure that going forward everything that's action after your lease award is correct.

Commission D. Herrera: Okay, so half-acre cannot do?

Acting AD J Cruz: Not that it cannot do, it just, it just depends how big the house is or.....

Commission D. Herrera: No, no really right you know this is a...

Madam Chair A. Bordallo: Or, where it's put because they have a house.

Acting AD J Cruz: It just depends.

Commission D. Herrera: Yeah, yeah so if she builds a 1200 sq. foot or whatever...

Acting AD J Cruz: It may not be enough. It may it may not be. I don't know.

Commission D. Herrera: So, you have to increase the acreage.

Acting AD J Cruz: But we can unless we get legislative approval.

Commission D. Herrera: That's what I'm saying it can right because the legislative... again, because we're saying why did we cut it down to half so we can have more constituents, right? We have 11,000 acres, right and if the acres can be increased to do a combination of Agri and home and she's on a 2 acre?

Acting AD J Cruz: Two (2) acre.

Commission D. Herrera: Two (2) acres so, so what I'm saying is you cut away what needs to just to get her loan going to build the home so if the two (2) acres can be cut in one (1) acre.

Acting AD J Cruz: There's other issues that surround other than just the lease award like the application types.

Commission D. Herrera: Understand yeah, was just on the acre for now?

Acting AD J Cruz: I don't, I don't think the, the issue of, of the lease award or... well let me step back a bit. But that is one of the issues that's preventing her from getting her loan guarantee the lease award because it's been identified through the audit that, that lease award wasn't approved by the legislature. But in addition to that...

Commission D. Herrera: Oh wait, wait let's say we get it to the legislation it's approved, what happens?

Acting AD J Cruz: There's still two more issues surrounding her lease award which is the, her date and time and then the switch of application.

Commission D. Herrera: So, we got one, one bill for the switch and date and time?

Acting AD J Cruz: Yes.

Commission D. Herrera: So, that will resolve that.

Acting AD J Cruz: If we resolve all the issues.

Commission D. Herrera: Just three (3) right?

Acting AD J Cruz: Yeah.

Commission D. Herrera: So, we, we don't.....

AAG Miller: There's no proposal solve the day date and time issue.

Acting AD J Cruz: Yeah.

Commission D. Herrera: No this is the switch only.

Acting AD J Cruz: I think he mentioned if, if that comes out.

Commission D. Herrera: Yeah, date and time is being work... we're, we need to resolve that because we don't do that right. We've done this yeah, I was here since 2020, we started this back in 95. but the public law was at 75. So, it's almost 50 years, right and 50 years this is a 50 years old program. This child is a mature child. I mean this program is 50 years old and this is not acceptable you know this if we're doing a development, this is not acceptable at all and if we need to go to the legislature and say there's constituent a, b or c what do we need to do if it needs an amendment right? Then, then let's, let's do it because 50 years was like a blink of an eye. I mean I could work I could have retired if I stayed here. You know what I mean but I'm, I'm not looking for retirement, I'm looking for progress to complete the mission of Mr. Bordallo's mission back in 75.

Madam Chair A. Bordallo: But we didn't have, we didn't have all those problems.

Commission D. Herrera: No, because it was

Madam Chair A. Bordallo: Sometimes the laws have to be here so you can manage things right that's...

AAG Miller: Yes ma'am.

Madam Chair A. Bordallo: Sometime the law too much law is not too good.

Commission D. Herrera: Yeah, and again my personal feeling is that humanitarian part, I mean we look at all...

Madam Chair A. Bordallo: We all sympathize.

Commission D. Herrera: You know she's caught rats; I'm going to bring you know I don't want to bring myself into this one because I'm in the worst predicament. I'm basically homeless today because of Typhoon Mawar, but am I lining up here and knocking on the door? No, I'm fine I'm independent so but the families here with children; the families that are elderly. I'm 70 years old so, but I can still move but what about those that came here with a liver issue? You following what I'm saying? I mean. I rest my case; been talking too much.

Anita Cruz: So, we need legislative approval for the two and hoping will assist me here because more than 2/3 of the property is being planted on and you know I even have a cottage that we can do. You know I also have a doubt there are so many things that and I, my first goal is to get a home for my family and my grandkids because they don't have, they don't have a mother. My, my daughter passed away so I've got five (5) grandkids that you know I try to show them and teach them how to live of the land. They don't have grandparents either. I'm the only grandparent.

Commission D. Herrera: And that's exactly where I'm merging into this case where she needs a home; she's got somebody that can succeed the other acreage. Cut what's needed to build the home and the other part you make your child or grandchild that's already of age to apply that part.

Anita Cruz: I have five (5) grandkids and I don't have any other that was my only child my daughter that has passed away. So, I got the first two oldest and then I adopted one, the third one doesn't have a... only has a grandma and grandpa and father. The two youngest only has their father no more grandma ...

Commission D. Herrera: And you say you had a co-applicant for your....

Anita Cruz: Yes, my son.

Commission D. Herrera: That's what I'm saying with that two (2) acre you that co-applicant can take care of that part separate it take care of your financial responsibility.

Anita Cruz: It's all up to the legislature now and to board if they can

AAG Miller: Madam Chair, members I mean we really did frankly table her items so, so we, we... she's entitled to express her concerns but we really do need to not spend anymore time on her specific situation.

Anita Cruz: Thank you so much for your time.

Acting AD J Cruz: We can take your info and then we can set up an appointment and explain if there's any clarification needed right.

Anita Cruz: Thank you so much for your time.

Martina Cruz: [inaudible] Unable to hear Ms. Cruz concerns or comments to the board regarding surveying property repairs damaged from Mawar and Isari

Martina Cruz: I was told it's not your way but there's a way we can do it, we can, we can manage to, to do things.

Madam Chair A. Bordallo: Can you explain that.....

Commission D. Herrera: Oh, she's asking for survey authorization

Acting AD J Cruz: I, I understand. That's all she's asking.

Martina Cruz: That's, that's all I'm, I'm not asking for [inaudible]

Acting AD J Cruz: There's, the reason why we also requested to table and like Ms. Cruz had said she just inherited from her parents. Ms. Cruz has been based on what she has told us through our discussions she's eager to plant if she hasn't already started planting. We did advise her that she knows where her neighbor's markers please don't self-inflict your

Martina Cruz: [inaudible]

Acting AD J Cruz: There's issues regarding the lease award and, and that's why again we asked to table it. One of the issues is that the original applicant who was Ms. Cruz's mom.

Martina Cruz: [inaudible]

Acting AD J Cruz: And then what had happened was it was deemed based on the documents and again Ms. Cruz it's not your fault. You inherited property you're utilizing it to the best of its ability although the original applicant the documents were provided and I'm just reading from the report... we're not sufficient to qualify the original applicant. So, what had happened was a lease was executed to the original applicant and then from there it was transferred by to Mrs. Cruz which is her daughter which wasn't supposed to be done to begin with any ineligible applicant should have been informed and that application should have been determined ineligible and but that's not the case. That's not what had happened. They did not deem the applicant ineligible, instead they gave a lease and then they too that lease and transferred it to Mrs. Cruz.

Commission D. Herrera: And, and she's eligible?

Martina Cruz: [inaudible]

[inaudible]

CLTC Staff J Dayday: I'm sorry but we haven't, we did discuss the new eligibility one where you were to fill out your family tree to see if you had any land takings, but that part wasn't done yet with Ms. Martina. She hasn't submitted. The ... remember the new law that we discussed?

Acting AD J Cruz: The family tree.

CLTC Staff J Dayday: When you submit your family tree then we'll see if there's any land taking.

Commission D. Herrera: Unrequired.

CLTC Staff J Dayday: Because, because when she took over the lease the law had not come into effect yet so she took over the lease like in 2019. So, the qualification was it was based on 75.

Commission E. Garrido: Who was the initial was her father?

Acting AD J Cruz: Her mom.

CLTC Staff J Dayday: Her mother.

Commission E. Garrido: Her mother?

CLTC Staff J Dayday: Cause ...

Martina Cruz: My, my mother.

Commission E. Garrido: She was, she eligible?

Acting AD J Cruz: Based on the documents that were provided and the report she was ineligible.

Martina Cruz: She my, my father's wife for 50 years they under the..... She my father's wife.

Commission E. Garrido: Joey is it a citizenship issue?

CLTC Staff J Dayday: So, the thing is when, when Ms. Martina's mom applied, the documentations that were submitted was her father-in-law which is Ms. Martina's grandpa and father. Those are the documentations that were submitted for the original applicant. So based on those that she, it wasn't Ms. Martina's mom documentation. Her birth certificate wasn't submitted or her qualifications qualifying documents to show that she was a native right to... to Guam. What

was submitted was Ms. Martina's dad's birth certificate and then her grandpa's birth certificate. So, that wouldn't qualify the applicant, the original applicant. That's the father-in-law and the husband.

Acting AD J Cruz: If Ms. Martina was to apply, she would have been eligible but the, the process it took was it was Ms. Martina's mom who applied; Ms. Martina based on... I mean her mom- based Ms. Bernard, Bernardita, based on the documents submitted did not make her eligible for the program. But what the commission did was instead of informing Ms. Bernardita that she is an ineligible applicant, they gave her a lease.

Martina Cruz: They gave me.

Acting AD J Cruz: And then after that they transferred the lease from Ms. Bernardita to Ms. Martina. So, from that day to present Ms. Martina has been trying her best to do everything she possibly can. Based on what we've been telling her upon request and further review of the file, we have discovered and determined that the, the issues that I just mentioned affects her lease award so, that is why again we asked table Ms. Martina's request because Ms. Martina was issued ... has a lease issued to an applicant who was ineligible for the program.

Martina Cruz: And then Ms. Martina was awarded... [laughter] thank you lord. Last night I said I want to go to you know the moon enjoy that [inaudible]. I'm thinking of the future

Commission E. Garrido: Why was her mom not...

Acting AD J Cruz: Because the document she submitted was for her husband and her husband's father. It was not the parents of....

Martina Cruz: At the time she keeps telling....

Commission E. Garrido: So, the spouse was not qualified?

Martina Cruz: My dad.

Acting AD J Cruz: Ms. Martin I mean Ms. Bernardita, the applicant was not qualified. But the document she submitted based on the report and what's in file is that of her husband's and her husband's father. So, the husband, if the husband applied, he'll qualify based on those documents.

Martina Cruz: My father don't do paperwork, but my mom is...

Acting AD J Cruz: But, it was Ms. Bernardita with who applied but the supporting docs she provided does not make her qualify for the program at that time through the native Chamorro qualification. Today, I believe that's why they had asked Ms. Martina to fill out the family tree so that they can at least prepare and do whatever research that needs to be done in the event other or further actions or further qualifications is needed. We have everything.

Martina Cruz: [inaudible]

Cross talk----

Martina Cruz: I can show you guys I'm to speak English here. I can turn around... you guys going to lose because I have a, a proof. Now you guys are the one that contact my mom. You guys are the one that contact my mom and there's proof from the social media which is a newspaper, a form of communication can come in a radio, right. Announcement, newspaper whatever you call it, no. I'm not looking for problem here, I'm looking for solution yeah. I'm not looking for problems I'm not looking for faults, I'm looking to move forward, forward okay.

AAG Miller: Again, Madam Chair because we tabled her specific case. We, we can't move forward today.

Commission E. Garrido: We cannot do anything today.

Martina Cruz: I know at least you know you heard from me.

Commission E. Garrido: Yeah, we'll hear from you again.

Martina Cruz: I'm telling everybody because I don't just you know and just say whatever I want I don't know you guys but today I found out that sometimes there's, there's a way, there's always a way to, to deal when it comes to ... [inaudible]

Cross talk----

Commission D. Herrera: I'm a surveyor but I'm not licensed. Seriously. I can compute your ... but Legal Counsel say....

Acting AD J Cruz: Well one thing for sure is that we'll go back and see whether Ms. Cruz could be considered a pre-occupier which is authorized in law and then we'll go from there and determine what can be done. If, yeah and then we'll discuss with you, with you further what the possibilities are, but again we, we do apologize you cannot, we cannot issue a survey authorization yet but we'll keep in contact.

Martina Cruz: Excuse my language but it's office her on Guam you know. Nothing, nothing bad everything is good. So, thank you very much.

Commission D. Herrera: Thank you.

Acting AD J Cruz: Ma'am, please sign in and state your name.

Elizabeth Rabon: I already did. My name is Elizabeth my last name is Rabon. I'm not going to beat around the bush because I know all the laws that you guys are handling. It's very hard to [inaudible] So, I made a decision that I'm going to turn my house in and send it back to you guys since I cannot do any survey. If I do a survey, I'm going to be caught right at the Land Management because my, my property is on their quarter lot. That's one. Two in order for me to qualify I need a sword to come in and I do not know when that's going to happen. So, the final decision that I made and I made this long and hard that I got to let go something that I really love so much because you guys' hands are tied. So, I'm turning my house in so you guys can buy it from me so I can move forward. My husband is not here anymore; it's just myself my kids are moving forward; they have their own life and I kind of keep holding my life because you guys' rules and regulations are cut. We always have to go down to the legislature because they're the law, but tomorrow is not promised for anyone of us; we're all human we're going to leave this soon and we aren't going to take the land up to, to Heaven or even our money. But either we enjoy our life or we're going to stay like this because there's too much rules and regulations. When they gave us the land this wasn't told. I did all the rules and regulation but when I came back in here when my husband passed away, they told me that I failed one rule, is the surveyor. But the surveyor died, so I'm back to square one; I was trying to survey but I need to go to the board have approval for survey. So, I've been coming in and in and out listening to the same story but I do not want to waste nobody's time because I'm pretty sure you guys want to go home. So, I'm turning in my documents saying please buy my house from me so I can move forward because I might like tomorrow, which I'm not asking God right now but we're not promised tomorrow. That make sense?

Commission E. Garrido: Yes.

Elizabeth Rabon: We're all growing old we're not going to take the land out. We can keep fighting for the land that is not ours; it belongs to Saint Mary here that owns the land. We're only borrowing the land to make us live. There's only one paradise that we have is up there. We're only trying to survive down here. And I cannot keep holding something that I do not own because I'm not going to bring it up to heaven, and every time I come in here it's the same not well Mr. Cruz here cannot provide me anything because he is only acting. You got the Legal Counsel but cannot do anything because his hands are tied. So, we're going back and keep going around in circle and I've been listening and listening and I really made my final decision. I cannot keep doing what you guys are doing. I keep sitting here listen to everybody's story and I'm hurting inside because I see them; they're asking help and none of you guys can sign the help. Somebody has a rat infestation; somebody has problem sick. I just came back from Hawaii and taking care of my son because he had a surgery. I'm looking my life in the future. I can't keep doing this, I'm already the same age as you guys are now. So, I got to let go off my house, I love it so much; my husband built it for me but you guys we keep going around in circles and there's no answer, no solution. You guys are still going back to square one which is the legislature. So, we're never going to go away. I might not see Mrs. Bordallo tomorrow, nor you nor you. So, I am ... buy my house so I can move forward. My kids are already growing old my grands are already as tall as they're taller than me. My husband passed away and ... 3-4 years. I'm looking at the same house, I'm, I'm not moving anywhere. I know that there's another rule that I have to have an approval from you guys I believe so and I have to do the appraisal; two appraisals then you guys have your own appraisal to do that, but I want to be fair; it's hard build something and let go when all your hard work is there. My, my house is built for a handicap. My husband ... [inaudible] I was taking care of him so that house is a handicap house. It's equipped.

Commission D. Herrera: Is it disable compliance?

Elizabeth Rabon: Yes.

Commission D. Herrera: The restroom and...

Elizabeth Rabon: Everything. Walk-in closet, the hallway is 4ft wide. The space outside you can run around 10 times because of the VA that made it happen. Because my husband's paralyzed; he served the service and I can't, I cannot keep driving away.

Commission D. Herrera: You know to our Legal Counsel's concern, so how do we handle this one? This is just some public comment for now so we cannot

Acting AD J Cruz: So, if I may what we'll do is accept her letter since she wants to terminate the lease, we'll package the report, we'll discuss with Ms. Rabon what's needed to be done. I do know that there's appraisals that are required and then from there we'll present it to the board for their acceptance and adoption of the value of the improvement and then we will also discuss that with Ms. Rabon so she understands this is the appraisal of course this is what came back. But in terms of who's suppose to get it let us go back to the Act and we'll go through it again and, and then we'll let you know whether expenses is born on you or born on us.

Elizabeth Rabon: For which one?

Acting AD J Cruz: For the appraisal.

Elizabeth Rabon: The appraisal?

Acting AD J Cruz: Yes.

Elizabeth Rabon: From what I understand the supervisor said I need two appraisals on my site.

Acting AD J Cruz: Okay, we'll just verify.

Commission E. Garrido: He'll validate.

Acting AD J Cruz: We'll verify yeah, yeah then we'll let you know. We, we'll let you know by tomorrow.

Elizabeth Rabon: Okay.

Acting AD J Cruz: And then we'll go from there and then we'll get it appraised and we'll discuss the value with you prior to presenting it to the board.

Elizabeth Rabon: Okay. I love my house guys, if you ever go to my house.

Commission D. Herrera: And Michael who is?

Elizabeth Rabon: Michael was my husband. We're not solving anything; we keep going around in circles and I'm pretty sure you guys are tired of hearing the same story. Mr. Cruz here is trying to be leaning enough but actually all the people back here closing their ears because they don't want to hear that because they want something from you guys and you guys give.

Commission D. Herrera: At least I'm, I'm very open to everybody's concern.

Elizabeth Rabon: Right, but I'm sitting here and my heart is hurting because I know how they feel and you cannot give something that you it cannot be done. So, they're walking home here and going home and they're sad because it didn't happen. So, that happened to me; every time I walk out this door I go to my car and cry because I don't have my husband to talk to, I'm talking to the car because there's no solution to it. I went to Hawaii and came back and they still didn't find the solution. So, my daughter did this for me the letter because I already made my decision.

Commission D. Herrera: That's a big decision so.

Elizabeth Rabon: It's a big house, I got to let it go. You guys cannot help me, I don't want to give it up but it's going to end up that way because you guys' hands are tied too.

Commission D. Herrera: This one there's no mortgage on the home; No...

Elizabeth Rabon: The house is paid off. I already paid the property tax for 99 years.

Commission D. Herrera: From the VA? It's a VA?

Elizabeth Rabon: It's a VA House.

Commission D. Herrera: Okay.

Elizabeth Rabon: It's paid off after my husband passed.

Commission D. Herrera: Okay.

Elizabeth Rabon: They did the house for him because he's disable. So, I don't know if you guys going to disapprove me or what, I really don't know but I want to walk out here with some answers. I don't want to go to my car and keep crying cause up there, I spoke to him that's what I did in my car.

Acting AD J Cruz: If I may since you submitted your letter and you're requesting to terminate the lease...

Elizabeth Rabon: Yes, because I cannot put my name.

Acting AD J Cruz: Based on the Act...

Elizabeth Rabon: My name on the lease that's another problem because of the survey.

Acting AD J Cruz: The process of the Act is we'll get it appraised and then the value will be determined and then we'll discuss that with you and then we'll present it to the board. At this time because the... your item has been tabled specifically for you this is just your opportunity to for your comments, but the board won't be able to make any decision.

Elizabeth Rabon: I know.

Acting AD J Cruz: So, but definitely tomorrow we will, we'll communicate with you. We'll give you an update we will verify the appraisal part whether you need to pay for it or do we pay for it, but we'll confirm that and we'll discuss that with you tomorrow.

Elizabeth Rabon: I wish you say you pay for it. It will help me.

Acting AD J Cruz: If in the event that is true there's a process for us to go through, through procurement.

Elizabeth Rabon: I'm only one, I don't have my spouse anymore.

Acting AD J Cruz: Understood. But, we'll, we'll go with what's in the Act and what we're allowed to do and we'll share that information with you.

Elizabeth Rabon: Okay. At least I'm going home hearing you say that. I don't have to go home and hear you say no cannot do that.

Acting AD J Cruz: You're more than welcome to call me anytime and if you have any questions, I'm here to...

Elizabeth Rabon: No, I don't want to waste your time because I know you, you have a lot on the agenda on your list and I'm just one of the persons that's trying to ... actually not beg for mercy but somewhere.

Acting AD J Cruz: No, there's no need just call me if you have any questions.

Elizabeth Rabon: Okay, now you guys heard me, I'm so sorry, thank you guys though I appreciate it and I know what you guys are doing this back in 1995, the story is still here and have everybody pass and we're still moving forward but we're still stuck.

Madam Chair A. Bordallo: Any comments?

Acting AD J Cruz: That concludes our public comments. Before if I may Commissioner, I'm going to go down to the legislature, we, I've already provided the speaker the board's test, testimony discussed at the previous board meeting. I will go down there and provide oral which is just to read out the written testimony that was submitted and then we'll if there's anything that should occur while we're there, we'll take note and provide feedback

Commission D. Herrera: There's going to be a lot of activity there so I'll be joining you also for moral support and guess I'll just say a short word and testimony.

Acting AD J Cruz: Also, just so that the board is informed collectively the employees, we prepared our own testimony that also will be shared with the legislature and off course we're the employees are not speaking on behalf of CLTC or the Commissioner and we ensure to specifically state that, but we, we just wanted you guys to be aware of that collectively we did, we did prepare a testimony.

Commission D. Herrera: Okay, as individuals or as...

Acting AD J Cruz: Collectively as a group.

Commission D. Herrera: Okay, for the Land Trust

Acting AD J Cruz: For the employees, not for the Land Trust or the board itself.

Commission D. Herrera: that would be public or private presentation.

Acting AD J Cruz: Because we will be providing oral testimony so yeah, that just so you guys are aware. Courtesy to the board members

Adjournment:

Madam Chair A. Bordallo: Motion to....

Commission E. Garrido: Madam Chair I would like to put a motion on the table that we adjourn until next month.

Commission D. Herrera: I second the motion.

Madam Chair A. Bordallo: All in favor say Aye.

All: Aye

Madam Chair A. Bordallo: Motion carried.

Acting AD J Cruz: The date and time. Did you say what time?

Madam Chair A. Bordallo: What's the calendar?

Acting AD J Cruz: The 20th

Madam Chair A. Bordallo: Oh. It's 3:46 pm. Next meeting date July 18th

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

The meeting adjourned at approximately 3:46 PM.

Chairperson Arlene P. Bordallo: _____ Date: _____

Concurred by: _____ Date: _____
Acting Administrative Director
Joseph B. Cruz



TRACT 217 LOT 5
MEDPHARM

MARINE CORPS DRIVE

DEDEDO PAYLESS

HARMON SPORTS COMPLEX
SOCCER FIELD, DEDEDO

AREA OF CONCERN
POSSIBLE ENCROACHMENT
&
UNAUTHORIZED USE OF
CLTC LANDS.

TRACT 100C
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Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

Arlene P. Bordallo
Chairperson

David B. Herrera
Commissioner

Bart J. Garrido
Commissioner

Jeffrey John P. Ibanez
Commissioner

(Vacant)
Commissioner

Joseph B. Cruz Jr.
Acting Administrative Director

Kumision Inangokkon Tano' CHamoru
(CHamoru Land Trust Commission)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 671-300-3296 Fax: 671-300-3319

October 3, 2024

Honorable Therese M. Terlaje
Speaker, 37th Guam Legislature
Committee on Health, Land, Justice and Culture
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

SUBJECT: BILL 179-37

Dear Speaker Terlaje,

I recently learned that Bill 179-37 has been amended. Unfortunately, I nor the board has received a copy of the Bill and have not discussed collectively whether or not our support will continue based on the amendments. I respectfully request that any further discussion regarding the amended Bill 179-37 be deferred until the CLTC Board has had the opportunity to review and discuss it collectively. I will place the amended Bill 179-37 on the board agenda for October 2024, and the CLTC Board will discuss it. Immediately after, CLTC will formally provide written testimony on the amended Bill 179-37.

If you have any questions or concerns, please do not hesitate to contact me at (671) 300-3296.

Senseramente,




Arlene P. Bordallo
Chairwoman

Cc:
CLTC Board Members
Honorable Senator Joe S. San Agustin

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 179-37 (COR)

Introduced by:


Joe S. San Agustin

Roy A. B. Quinata
Dwayne T. D. San Nicolas
William A. Parkinson 

**AN ACT TO AMEND THE CHAMORRO LAND TRUST
LEASE AGREEMENT WITH THE GUAM
INTERNATIONAL COUNTRY CLUB, INCORPORATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Lot Number 1022-12, Mogfog, Municipality of Dededo is a trust property that is the subject of that certain commercial lease agreement by and between the Chamorro Land Trust Commission, as lessor, and Guam International Country Club, Inc., (GICC) as lessee, dated April 1, 2014, and recorded at the Department of Land Management, Government of Guam, on April 4, 2014, under Document Number 863522. This commercial lease, currently with a 10% escalation clause every five years, is estimated to produce \$7,934,677.76 in rental income to the Chamorro Land Trust over the remaining term of its lease which ends on January 31, 2039.

I Liheslaturan Guåhan further finds that the rental income payable during the remaining term of this lease can potentially be used to help fund the Chamorro Land Trust Endowment Fund in a material manner where the annual earnings of the fund equal or exceed the annual rent being received from the lease while still preserving

1 the fund's principal in perpetuity.

2 *I Liheslaturan Guahan* further finds that the lessee, GICC, will be able to and
3 has agreed to both accelerate the payment of rent and to increase the escalation rate
4 provided that the lease is amended to incorporate an accelerated rent schedule, an
5 increased escalation rate for the purpose of determining the present value of all future
6 rent, an extension of the lease term, that the permitted use of the property be amended
7 to include the generation, storage and transmission of renewable solar power and
8 provided that the property is actually so used.

9 *I Liheslaturan Guahan* further finds that the GICC is seeking approval from *I*
10 *Liheslaturan Guahan* to approve amendments to their lease with the Chamorro Land
11 Trust Commission.

12 It is, therefore, the intent of *I Liheslaturan Guahan* to authorize the Chamorro
13 Land Trust Commission to approve the lease amendments with the GICC.

14 **Section 2. Amendments to Lease.** Notwithstanding 21 GCA §60115, 21
15 GCA §75A122, 21 GCA §75A103 and any other provision of law, *I Liheslaturan*
16 *Guahan* hereby authorizes, approves and directs the Chamorro Land Trust to make
17 the following amendments to the subject lease agreement: a) the permitted
18 commercial uses of the property shall include the generation, storage and
19 transmission of renewable solar power; b) the lease term may be extended through
20 January 31, 2055; c) in the event the property is used for the generation, storage and
21 transmission of renewable solar power, for the purpose of determining the net
22 present value of future rent, the current rental escalation rate of 10% every five years
23 shall be increased to an escalation rate of 12% every five years; d) in the event the
24 property is used for the generation, storage and transmission of renewable solar
25 power, the lessee shall pay all rents due under the lease in advance at its net present
26 value, to be determined by a MAI certified and licensed real estate appraiser selected
27 by the Chamorro Land Trust, and shall be paid for by the Guam International

1 Country Club, Inc., utilizing a market based discount rate and will in no event be
2 less than Seven Million Dollars (\$7,000,000) or more than Nine Million Dollars
3 (\$9,000,000), with 10% paid within 30 days of the date a power purchase agreement
4 is entered into with the Guam Power Authority that will utilize the property for the
5 generation, storage and transmission of renewable solar power and the remaining
6 90% paid within 30 days of the date solar power is first transmitted to the Guam
7 Power Authority under the power purchase agreement; e) in the event the property
8 is used for the generation, storage and transmission of renewable solar power, lessee
9 will not be required to use the property for the operation of a golf course; f) until
10 such time the net present value of the accelerated rent is paid in full, lessee shall
11 continue to pay monthly rent in accordance with the lease agreement. The amended
12 lease shall be subject to execution by *I Maga'haga* (the Governor), the Chairman of
13 the Chamorro Land Trust Commission, attestation by *I Segundu Na Maga'lahi* (the
14 Lieutenant Governor), and approval as to form by the Attorney General of Guam,
15 pursuant to Title 21 GCA §60114(C); and g) in the event the property is not used for
16 the generation, storage and transmission of renewable solar power the provisions of
17 section 2 of this act shall be null and void.

18 **Section 3. Ratification of Lease.** Notwithstanding 21 GCA §60115, 21 GCA
19 §75A122, 21 GCA §75A103 and any other provision of law, *I Liheslaturan Guåhan*
20 hereby ratifies the lease agreement by and between the Chamorro Land Trust and
21 Guam International Country Club, Inc. dated April 1, 2014, affecting Lot Number
22 1022-12, Mogfog, Municipality of Dededo and all amendments thereto that are made
23 in accordance with this Act.

24 **Section 4. Funding of CLTC Endowment Fund.** In the event accelerated
25 rent is received by the Chamorro Land Trust in accordance with the lease agreement
26 by and between the Chamorro Land Trust and Guam International Country Club,
27 Inc. dated April 1, 2014, affecting Lot Number 1022-12, Mogfog, Municipality of

1 Dededo, as said lease is amended by this Act, all accelerated rent received shall be
2 transferred to the CLTC Endowment Fund and become a part of the fund's corpus.

3 **Section 5. Severability.** If any provision of this Act or its application to any
4 person or circumstance is found to be invalid or contrary to law, such invalidity shall
5 not affect other provisions or applications of this Act that can be given effect without
6 the invalid provision or application, and to this end the provisions of this Act are
7 severable.

8 **Section 6. Effective Date.** This Act shall be effective upon enactment.

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Montreal's Street Art Collection
BUT STATION

STREET NO.	STREET NAME	TYPE	DATE INTRODUCED	DATE RETIRED	REASON	REMARKS	PHOTO TAKEN DATE	DATE COMPLETED	REMARKS
114 ST STREET	114 St Street 114 St Street 114 St Street 114 St Street	AN ARTIST'S WORK (ARTIST'S NAME) (ARTIST'S NAME) (ARTIST'S NAME) (ARTIST'S NAME)	1978-12 1978-12						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 179-37 (COR)

As Substituted on the Floor

Introduced by:

Joe S. San Agustin
Roy A. B. Quinata
Dwayne T. D. San Nicolas
William A. Parkinson

**AN ACT TO AMEND THE CHAMORRO LAND TRUST
LEASE AGREEMENT WITH THE GUAM
INTERNATIONAL COUNTRY CLUB, INCORPORATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that

Lot Number 10122-12, Mogfog, Municipality of Dededo is a trust property that is the subject of that certain commercial lease agreement by and between the Chamorro Land Trust Commission, as lessor, and Guam International Country Club, Inc., (GICC) as lessee, dated April 1, 2014, and recorded at the Department of Land Management, Government of Guam, on April 4, 2014, under Document Number 863522. This commercial lease, currently with a 10% escalation clause every five years, is estimated to produce \$5,041,082 in rental income to the Chamorro Land Trust over the remaining term of its lease which ends on January 31, 2039.

I Liheslaturan Guåhan further finds that the lessee, GICC, will be able to and has agreed to both accelerate the payment of rent and to increase the escalation rate provided that the lease is amended to incorporate an accelerated rent schedule, an increased escalation rate for the purpose of determining the present value of all future

1 rent, an extension of the lease term, that the permitted use of the property be amended
2 to include the generation, storage and transmission of renewable solar power and
3 provided that the property is actually so used. In the event the property is so used,
4 GICC has also agreed that the building currently being used as a clubhouse will be
5 made available for the exclusive use of the Chamorro Land Trust Commission,
6 Department of Land Management and Guam Ancestral lands Commission thereby
7 giving these agencies a permanent home so that they will no longer have to pay rent
8 to commercial landlords. Allowing for the use of the clubhouse will save CLTC,
9 Department of Land Management, and Guam Ancestral Land Commission
10 approximately \$870,000 annually in rental costs allocated to the agencies from the
11 General Fund.

12 *I Liheslaturan Guahan* further finds that the Chamorro Land Trust
13 Commission has passed an unanimous resolution in favor of the amendment of the
14 lease as the accelerated rent collected will provide much needed funding to support
15 its mission while also giving it the option of investing portions of the accelerated
16 rent to provide it additional income GICC is seeking approval from *I Liheslaturan*
17 *Guahan* to approve the amendments to their lease with the Chamorro Land Trust
18 Commission.

19 It is, therefore, the intent of *I Liheslaturan Guahan* to authorize the Chamorro
20 Land Trust Commission to approve the lease amendments with the GICC.

21 **Section 2. Amendments to Lease.** Notwithstanding 21 GCA §60115, 21
22 GCA §75A122, 21 GCA §75A103 and any other provision of law, *I Liheslaturan*
23 *Guahan* hereby authorizes, approves and directs the Chamorro Land Trust to make
24 the following amendments to the subject lease agreement:

25 (1) the generation, storage and transmission of renewable solar power is
26 hereby added as a permitted use of Lot Number 10122-12, Mogfog, Municipality of
27 Dededo. The permitted commercial uses of the property stated in the lease agreement

1 shall include the generation, storage and transmission of renewable solar power;

2 (2) the lease term shall be extended through January 31, 2055 and shall
3 provide an option to extend the lease term by an additional two (2) years in the event
4 this extension is necessary on account of regulatory requirements, construction
5 schedules and the requirements of the Guam Power Authority;

6 (3) in the event the property is used for the generation, storage and
7 transmission of renewable solar power, for the purpose of determining the net
8 present value of future rent, the current rental escalation rate of 10% every five years
9 shall be increased to an escalation rate of 12% every five years;

10 (4) in the event the property is used for the generation, storage and
11 transmission of renewable solar power, the lessee shall pay all rents due under the
12 lease in advance at its net present value, to be determined by a Member of the
13 Appraisal Institute (MAI) certified and licensed real estate appraiser selected by the
14 Chamorro Land Trust, and shall be paid for by the Guam International Country Club,
15 Inc., utilizing a market based discount rate and will in no event be less than Seven
16 Million Dollars (\$7,000,000) or more than Nine Million Dollars (\$9,000,000), with
17 10% paid within 30 days of the date a power purchase agreement is entered into with
18 the Guam Power Authority that will utilize the property for the generation, storage
19 and transmission of renewable solar power and the remaining 90% paid within 30
20 days of the date solar power is first transmitted to the Guam Power Authority under
21 the power purchase agreement;

22 (5) in the event the property is used for the generation, storage and
23 transmission of renewable solar power, lessee will not be required to use the property
24 for the operation of a golf course;

25 (6) The designation of approximately five (5) acres of Lot Number 10122-12
26 in Mogfog, Municipality of Dededo surrounding the area of the GICC Club House
27 and the Maintenance/Storage Building, along with its surrounding property of one

1 acre, for the use of the Chamorro Land Trust Commission (CLTC), is open to
2 negotiations. The GICC Club House along with its surrounding property of at least
3 five (5) acres, shall be exclusively designated for the use of the CLTC, Guam
4 Ancestral Lands Commission (GALC), and the Department of Land Management
5 (DLM);

6 (7) The Lessee shall cooperate with the CLTC with respect to the
7 reconfiguration of the GICC Club House to accommodate office space for the
8 CLTC, GALC, and DLM. GICC and the CLTC shall survey and parcel out from the
9 leased property the land on which the GICC Club House is situated and the
10 surrounding five (5) acres of land so that the parcelled out land is a separate and
11 distinct lot that would be suitable to support any credit facility that the CLTC may
12 seek for the purpose of renovating the GICC Club House;

13 (8) All components of the solar panels used for the solar farm must be free of
14 per- and polyfluoroalkyl substances (PFAS). Additionally, the Lessee shall be
15 required to remove the components associated with the solar farm at the end of the
16 lease agreement. The removal shall be recycled and shall not be disposed of in
17 Guam's landfill;

18 (9) The Lessee shall be required to provide a monetary guarantee, such as a
19 cash deposit or performance bond, to ensure the financial security of the Lessor and
20 the proper removal of the components associated with the solar farm at the end of
21 the lease agreement and the timely payment of rent. The Lessee shall be required to
22 provide an assessment of the potential costs associated with the removal of
23 components and any potential site restoration, in order to determine amount of
24 monetary guarantee. The assessment will serve as a basis for determining the
25 amount, taking into account factors such as equipment removal, land remediation,
26 any necessary repairs and the value of rent payments;

27 (10) The CLTC shall be responsible for the overhead maintenance costs of the

1 facilities and ground of the GICC Club House. In the event, the Maintenance/Storage
2 Building is also dedicated for CLTC use, CLTC shall also be responsible for the
3 overhead maintenance costs of the facilities and ground of the Maintenance/Storage
4 Building. This overhead maintenance will include the upkeep and maintenance of
5 the buildings as well as the surrounding grounds;

6 (11)The Lessee shall be required to comply with applicable building codes,
7 environmental regulations, and federal rules and regulations related to building
8 construction and environmental protection, including but not limited to the
9 International Building Code (IBC), Americans with Disabilities Act (ADA), Clean
10 Water Act (CWA), Clean Air Act (CAA), National Environmental Policy Act
11 (NEPA), and Resource Conservation and Recovery Act (RCRA), as enforced by
12 Guam and the United States, throughout the lease agreement;

13 (12) until such time the net present value of the accelerated rent is paid in full,
14 lessee shall continue to pay monthly rent in accordance with the lease agreement.
15 The amended lease shall be subject to execution by *I Maga'haga* (the Governor), the
16 Chairman of the Chamorro Land Trust Commission, attestation by *I Segundu Na*
17 *Maga'lahi* (the Lieutenant Governor), and approval as to form by the Attorney
18 General of Guam, pursuant to Title 21 GCA §60114(C) and;

19 (13) in the event the property is not used for the generation, storage and
20 transmission of renewable solar power the provisions of section 2 of this act shall be
21 null and void.

22 **Section 3. Ratification of Lease.** Notwithstanding 21 GCA §60115, 21 GCA
23 §75A122, 21 GCA §75A103 and any other provision of law, *I Liheslaturan Guåhan*
24 hereby ratifies the lease agreement by and between the Chamorro Land Trust and
25 Guam International Country Club, Inc. dated April 1, 2014, affecting Lot Number
26 10122-12, Mogfog, Municipality of Dededo and all amendments thereto that are
27 made in accordance with this Act.

1 **Section 4. Severability.** If any provision of this Act or its application to any
2 person or circumstance is found to be invalid or contrary to law, such invalidity shall
3 not affect other provisions or applications of this Act that can be given effect without
4 the invalid provision or application, and to this end the provisions of this Act are
5 severable.

6 **Section 5. Effective Date.** This Act shall be effective upon enactment. All
7 provisions of this Act shall become null and void should the GICC fail to settle
8 arrears payments within thirty (30) calendar days upon the passage of this Act to
9 include the enactment into law by *I Maga'hāgan Guāhan*.

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA P. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speaker@guamlegislature.org

September 11, 2024

THE HON. THERESE M. TERLAJE, Speaker
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Substitute Bill No. 236-37 (COR) - AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2025, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS

Håfa Adai Madam Speaker,

Transmitted herewith is Substitute Bill No. 236-37 (COR) (the "Budget Act"). This bill reflects the strength of our government finances, a product of our Administration's strict adherence to sound fiscal policy and practices. Since our Administration took office, we have eliminated the deficit and strengthened the General Fund, allowing the Legislature to allocate additional funds to meet agency and community needs. While, as discussed below, I disagree with several provisions in this year's Budget Act, on the whole the bill adopts conservative revenue projections and agency budgets, and delivers a sound and balanced plan that will enable our government to serve our community. For this reason, subject to the line item veto noted below, I am signing Substitute Bill No. 236-37 into law as **Public Law No. 37-125**.

Lack of Clear Guidance regarding Prioritization of Appropriations of Potential "Excess Revenues"

As discussed, the Legislature has adopted conservative revenue projections for the upcoming fiscal year. Consequently, the Budget Act appropriates not only from projected revenues but also from revenues collected in excess of these adopted levels for FY25. The Legislature has appropriated nearly Ten Million dollars (\$10,000,000.00) of these unaudited so-called "excess revenues." As I have noted previously, while appropriating based on Consolidated Revenue Expenditure Report ("CRER") reports may be necessary in exceptional circumstances, it is not the best practice. Until such time as these excess collections are reported in our audited financial statements at the end of the fiscal year, it is premature to treat such funds as a surplus, to the degree our government is willing to write checks against them.

To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: September 11, 2024
Re: Substitute Bill No. 236-37 (COR)

Page 2 of 4

However, in this Budget Act, the Legislature has gone even further – it is not merely appropriating from reported excess revenues, it is appropriating from excess revenues that have not yet been collected. It is an unsound fiscal practice to appropriate from a surplus the Legislature merely hopes will materialize in the next fiscal year. This practice will hinder our government's ability to properly balance its budget and threatens to spend our government back into a deficit.

Further, these types of "what if" appropriations are difficult to operationalize. On pages 92 and 156 of the Budget Act, the Legislature appropriates Nine Million dollars (\$9,000,000.00) to the Chamorro Land Trust Survey and Infrastructure Fund from excess revenues as reported in the first quarter of the CRER, which it intends to continue this speculative appropriation in subsequent quarters until the amount is met.

On page 43, the Legislature also appropriates nearly Two Hundred Thousand dollars (\$200,000.00) of excess revenues to fund the pay adjustments for nurses at the Guam Behavioral Health and Wellness Center ("GBHWC"). A third appropriation from excess revenues in the amount of Three Hundred Seventy-Five Thousand dollars (\$375,000.00) is made to the Department of Integrated Services for Individuals with Disabilities ("DISID") for its FY25 operations.

The Legislature does not provide clear guidance regarding the prioritization of these appropriations of "excess revenue" in the event they materialize, except to provide that the appropriations for GBHWC pay adjustments for its nurses and appropriations for DISID's operations trail the substantially higher \$9 million appropriation to the Survey and Infrastructure fund, which must be paid if possible in the first quarter and continues until paid in full. While funding the Survey and Infrastructure fund is an appropriate use of government funds, at this time, it does not appear as though there are any exigent circumstances requiring immediate funding of surveys, particularly given the established shortage of available surveyors on island. Certainly, funding this initiative before funding our nurses' pay adjustments and operational funding for an agency providing services to individuals with disabilities seems out of touch with the urgent needs of our community.

The fact that the supporters of these budget amendments fund GBHWC and DISID last, despite their lower appropriations, suggests these measures were low on their priority list if they were priorities at all.

HRRA Line Item Veto

Pursuant to Section 1423i of the Organic Act of Guam, as amended, I exercise my authority to veto the amounts identified in Chapter XI, Section 12(a) and (b). Without this veto, the Budget Act would take Two Hundred Thousand Dollars (\$200,000.00) (nearly half) of the appropriation for the Hagåtña Restoration and Redevelopment Authority in a poorly considered, inequitable, and counterproductive bonus scheme for Guam Memorial Hospital Authority ("GMHA") nurses and Department of Public Health and Social Services ("DPHSS") social workers. The Budget Act would provide only 10 bonuses for nurses and only 10 bonuses for social workers—a drop in the bucket of our need for these professionals. The hospital recruits on average between forty to fifty (40-50) nurses every year, and DPHSS' recruitment for social workers so far this year has already exceeded the scant "incentive" the Budget Act would provide. The Budget Act scheme could actually complicate and frustrate recruiting efforts as applicants reasonably attempt to delay their applications to increase their likelihood of securing one of the handful of available bonuses.

To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: September 11, 2024
Re: Substitute Bill No. 236-37 (COR)

Page 3 of 4

Our Administration has demonstrated its commitment to public health and to recruiting and developing opportunities for nurses, social workers, and other vital public health professionals. Having served as a registered nurse, I have experienced the professionalism and dedication with which our healthcare professionals serve our community, despite our limited resources. Our Administration worked to ensure our nurses are paid their worth, including two revisions to the Nurse Pay Plan, with a 15% pay increase in

2021 and an 18% increase this year. When I served in the Legislature, I was an author of the Nurse and Other Healthcare Professional Recruitment and Retention Incentives Act of 1998, Public Law No. 24-325, and pursuant to its authority this Administration will continue to develop well-considered and right-sized recruitment and retention efforts, not underdeveloped, poorly considered incentives that, if implemented, will leave most of our new nurses and social workers out in the cold and create divisiveness among our ranks.

The Budget Act recruitment scheme does not contribute nearly enough incentives to outweigh the inequity in rewarding so very few of the dedicated professionals Guam needs. While the meager amount would have little impact on our ability to recruit nurses and social workers, the funding would have a substantial impact on the Hagåtña Restoration and Redevelopment Authority's ability to fulfill its mandate of improving housing conditions and employment opportunities that help to make Guam a better place to live and lead to increased tax revenues that support our future growth.

For these reasons, I VETO Chapter XI, Section 12(a) and (b).

Lack of Funding Source for Critical GMHA Expenses

On Page 144 of the Budget Act, the Legislature authorizes me "to pay hospital vendors, HVAC system improvements, and interface between the electronic health record (EHR) and billing for [GMHA]," and further requires me to notify the Speaker of the Legislature five (5) days prior regarding the funding source of such payments. To be clear, my authority to operate the hospital comes not from legislative authorization, but from the Organic Act of Guam. The Legislature's primary role in the hospital's operation lies in its power of appropriation. Without providing me with an appropriation or a funding source, the provision "allowing" me to pay GMHA's outstanding obligations will not help our hospital's finances and will not aid in supporting hospital operations. This provision represents another example of politicians claiming to do something for our only public hospital while doing nothing at all.

Homelessness Prevention

The Budget Act fails to fund the Office of Homelessness Assistance and Poverty Prevention ("OHAPP"), despite the critical services the office provides. It appears that politicians expect the Department of Public Health and Social Services ("DPHSS") to assume responsibility for leading homelessness assistance and poverty prevention with less funding. While I have every confidence in the leadership of DPHSS, imposing yet another new and significant responsibility on such a large and impacted agency risks undermining the agency's efforts to perform its existing responsibilities and service to our community. The Legislature has not offered an adequate reason why this Administration, which has created, implemented, and operated these vital programs from their inception, should not be afforded the reasonable opportunity to continue to manage the programs, instead of haphazardly reassigning them at the Legislature's whim.

//

To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: September 11, 2024
Re: Substitute Bill No. 236-37 (COR)

Page 4 of 4

Credit Card Fees

On Pages 149-150 of the Budget Act, the Legislature observed that the government's operating budget has grown over the years and expressed its intent to set a cap on amounts of excess funds collected above projected revenues spent on further government appropriations, and to return the remaining excess funds to our taxpayers "to ease their financial burdens." However, the Legislature has declined to adopt our Administration's recommendation that such revenues be used to defray the costs of credit card fees associated with accessing GovGuam services, a simple and direct method to ensure that taxpayer dollars are efficiently returned to the taxpayers. Regrettably, the Budget Act makes only vague statements in favor of returning funds to our taxpayers while rejecting a proven, impactful method of doing so.

Unfunded Necessities

Alarmingly, the Legislature decided not to fund some of our government's most critical budget requests, including several items vital to public safety. These requests include Two Million dollars (\$2,000,000.00) for the HVAC for the Guam Police Department's ("GPD") Forensic Lab, without which laboratory samples and specimens may not be properly preserved for criminal investigations or trial. The Legislature also cut Three Hundred Sixty-One Thousand, Seven Hundred Seventy dollars (\$361,770.00) in funding for GPD trainees, compromising our efforts to recruit and train more officers to respond to emergencies and keep our villages safe. The Legislature extended these cuts to the Department of Corrections (\$270,600) and the Guam Fire Department (\$794,061), both of which were shortchanged in funding for their recruits.

The politicians gutting OHAPP's budget, including the Committee on Health Chair, also failed to provide Two Million dollars (\$2,000,000.00) in funding for GBHWC requested in the Executive budget request, which will potentially impact programs and contracts providing services to other vulnerable communities, including Guma Mami's residential services, which supports individuals with behavioral disabilities and the homeless population, and the Sagan Mami Drop In Center, which offers daytime enrichment programs, employment services and counseling, and temporary shelter.

It is imperative that the funding requests for these urgent needs be promptly addressed in a supplemental budget bill, to ensure that services to these vulnerable populations are not disrupted, and to ensure agencies that protect our people from crime and respond in the event of an emergency are equipped to provide the best possible service to our people.

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 236-37 (COR) nka P.L. 37-125

cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*


This is to certify that Substitute Bill No. 236-37 (COR), "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2025, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," was on the 30th day of August 2024, duly and regularly passed.


Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 30th day of August,
2024, at 3:31 o'clock P.M.,

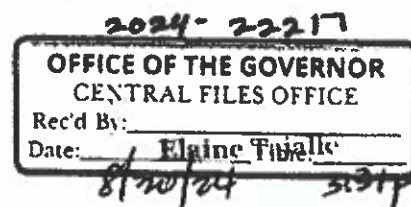

Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 9/11/2024

Public Law No. 35-125



1 court of a felony, a crime involving moral turpitude, a crime of
2 domestic or family violence, or who has been administratively
3 pardoned of any crime.

4 (3) No person shall be appointed as a medicolegal death
5 investigator before a thorough investigation of the applicant's
6 background and moral character is completed.

7 (d) In the event that there are no applicants that meet the
8 minimum knowledge, abilities and skills to be registered or certified
9 medicolegal death investigators, the Office of Post Mortem
10 Examinations/Chief Medical Examiner may employ candidates as
11 interns, with compensation, while completing the training and
12 experience necessary to meet the minimum requirements for
13 employment. The Office of Post Mortem Examinations/Chief Medical
14 Examiner shall determine the length of internship programs.
15 Internships are limited term appointments until such time the intern is
16 either hired as a medicolegal death investigator or terminated."

17 **Section 62. Lease of Lot No. 7161-R1, Yigo, Guam to the Guam**
18 **Motorsports Association.**

19 Notwithstanding any other provision of law, the *Chamorro* Land Trust
20 Commission (CLTC) *shall* lease a portion of or all of Lot No. 7161-R1, *Yigo*, Guam
21 to the Guam Motorsports Association or its successor entity for the purpose of the
22 operation of a raceway, related support facilities, and various outdoor events. The
23 CLTC *shall* negotiate the terms of the non-commercial lease of Lot No. 7161-R1,
24 *Yigo*, Guam with the Guam Motorsports Association within ninety (90) days of the
25 enactment of this Act.



Office of the Mayor
MUNICIPALITY OF DEDEDO

Melissa B. Savares
Mayor

Peter J. Benavente
Vice Mayor

August 14, 2024

Chamorro Land Trust Commission
590 S. Marine Corps Dr.
ITC Bldg, Ste 733
Tamuning, Guam 96913
cltc.admin@cltc.guam.gov

Hafa adai Commissioners,

At the request of community members and Government of Guam agencies, Joint Region Marianas is assisting with control of feral pigs in northern Guam through funding from the Department of Defense Readiness and Environmental Protection Integration (REPI) Program. The program initially focused on communities adjacent to Marine Corps Base Camp Blaz but has since expanded its footprint to include properties in Yigo as well as other areas within Dededo.

Feral pigs are an increasing problem for farmers, ranchers, and residents, as these animals destroy crops, tear up trash, and carry a variety of diseases that impact people. The REPI program is assisting with control of pigs through direct removals and through training to provide local organizations with the ability to remove pigs as needed.

At this time, the control efforts involve net traps set up on private property or leaseholds with permission from owners and leaseholders. The REPI team would like to temporarily access inactive Chamorro Land Trust parcels that may also hold significant numbers of feral pigs.

The team would need small (approximately 50-foot diameter circles) open areas to stage the trap, which would be baited with corn for a set period of time before closing the trap and removing pigs with air rifles. Any pigs removed are made available to residents who would like the meat; if the carcasses appear unhealthy or no families want the meat, they will be placed in discreet forest areas to recycle nutrients back into wildlife habitats. The entire process requires 3-4 weeks, 4 times per year and does not require permanent infrastructure or significant vegetation removal beyond bush cutting and light trimming.

On behalf of the community of Dededo and northern residents, I respectfully request permission for the REPI feral pig team to access Chamorro Land Trust parcels to trap and remove nuisance pigs. The REPI team will closely coordinate with the Trust to identify appropriate parcels for the work, which will only require short-term access during trapping periods 4 times annually. Should you have any further questions, please call me at the numbers below. Your immediate attention in this matter will be greatly appreciated.

Sincerely,

Peter John S. Benavente
Vice Mayor of Dededo

RECEIVED

9:50am

8/19/24

Jessica Dayday

GOVERNMENT OF GUAM • P.O. Box 750, Hagatna, Guam 96912
Off. : 671-632-5203 • Fax: 671-637-1129



PROPOSED NEW CLTC LOGO



Transcript of Meeting Minutes

NO DOCUMENT



GUAM POWER AUTHORITY

ATURIDÂT ILEKTRESEDÂT GUÅHAN
P.O. BOX 2977 • HAGÂTÑA, GUAM U.S.A. 96932-2977

September 19, 2024

TD24-141

MEMORANDUM

To : Dexter L.H. Tan
Chamoru Land Trust Commission

VIA : Manager of Transmission & Distribution 

From : Power System Superintendent, T&D/Underground

Subject : Access for Removal of GPA Transformer

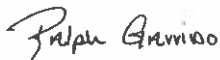
The Guam Power Authority has an asset which is not in use on Chamoru Land Trust property – located near Rotunda Oka Point in Tamuning. The asset to be removed is a de-energized pad mount transformer that may be used elsewhere to service existing customers.

Therefore, a GPA crew will require permission to:

- ⇒ Gain access from gate.
- ⇒ Clear vegetation on existing road to transformer.
- ⇒ Allow heavy equipment to load and remove transformer.

Please contact Mr. Lyle T, Manibusan, Equipment Operator Superintendent at (671) 635-2004 to coordinate transformer removal.

Your assistance and interagency support is greatly appreciated.



Ralph F. Garrido



PROPOSED PARADISE MEADOWS
OF TRACT 10424
(FORMERLY LOT 7128-3-R4)

SUBDIVISION SURVEY
OF TRACT NO. 10123
(FORMERLY LOT 7128-REM)
AREA=122098 +/- S. M.

PROPOSED SONGSONG HILLS
SUBDIVISION
LOT 7128-R3



CERTIFICATION OF SURVEYOR
I, PAUL L. SANTOS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED ON A FIELD SURVEY MADE ON JANUARY, 2013 IN CONFORMANCE WITH ALL APPLICABLE LAWS AND REGULATIONS AND THAT I AM RESPONSIBLE FOR THE ACCURACY OF ALL DATA AND INFORMATION SHOWN HEREON. I ALSO CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED ON THIS MAP.

PAUL L. SANTOS
PROFESSIONAL LAND SURVEYOR NO. 61

DATE



- NOTES:**
1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN.
 2. ALL DISTANCES ARE IN METERS UNLESS OTHERWISE NOTED.
 3. BEARINGS AND DISTANCES WITHIN PARENTHESES ARE RECORD DATA, ALL OTHERS ARE 1993 GRID VALUE.
 4. SUBJECT LOT IS ZONED "AP" AGRICULTURAL AS OF APPROVAL OF THIS MAP.
 5. SUBJECT LOT IS WITHIN THE GROUND WATER PROTECTION ZONE (GPZ).
 6. CONTOUR LINE INTERVAL IS 5 METER.
 7. DATUM ARE BASED FROM BUREAU OF STATISTICS AND PLANNING, LIDAR 2008.

- REFERENCE:**
1. LAND REGISTRATION MAP OF LOT NO. 7128-REM, PREPARED BY JUAN R. MESA R.L.S. NO. 20, L.A. NO. 229 PY 76, DOCUMENT NO. 264428.
 2. PARENTAL SUBDIVISION SURVEY MAP OF TRACT 926 FORMERLY LOT 711 NORTH, PREPARED BY THOMAS T. ANDERSON R.L.S. NO. 42, L.A. NO. 451 PY 88, DOCUMENT NO. 48000.
 3. COURT DISTRIBUTION OF LOT 7128-3, PREPARED BY PRUDENCIO R. BALASTAS, R.L.S. NO. 62, L.A. NO. 057 PY 88, DOCUMENT NO. 398842.

CHECKED BY:

FRANK P. TAYLOR
PLANNER, DLM

DATE

JUAN L. CAMACHO
ENGINEERING TECHNICIAN, DLM

DATE

SATISFACTORY TO AND APPROVED BY:

DAVID V. CAMACHO
DIRECTOR, DEPARTMENT OF LAND MANAGEMENT
ADMINISTRATIVE DIRECTOR,
CHAMORRO LAND TRUST COMMISSION

DATE

CERTIFICATION OF GUAM CHIEF PLANNER
APPROVAL PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, SUBDIVISION LAW

MARVIN Q. AGUILAR
GUAM CHIEF PLANNER

DATE

CERTIFICATION OF GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE
THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, ARTICLE 5, UNIFORM REGULATION SYSTEM AND REGULATIONS THEREUNDER THIS DAY OF 2013.

PAUL L. SANTOS, PLS # 66
GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE

REVISIONS	DESCRIPTION	BY	APPROVED BY	DATE

**SUBDIVISION SURVEY MAP
OF
TRACT 10123
(FORMERLY LOT 7128-REM)**

LAND SQUARE 10 MUNICIPALITY OF YIGO SECTION 1

SURVEY DATA				BASIC LOT DATA			
MON. NO.	NUMBER	DATE	LOT	PERMANENT	PERMANENT	PERMANENT	PERMANENT
EMPLOYED BY	PER	JAN 2013	CERTIFICATE OF TITLE NO.	6680			
PLANNED BY	PER	JAN 2013	RECEIVED FROM				
CHECKED BY	PER	JAN 2013	TESTATE NO.				
FIELD BY	PER	JAN 2013	IN THE NAME OF				
CHECKED BY	PER	JAN 2013					
SCALE	1:50,000						
SHEET 3 OF 4							
DATE							

**GOVERNMENT OF GUAM
GUBERNAMENTON GUAAHAN
DEPARTMENT OF LAND MANAGEMENT
DIPARTAMENTON MINANEHAN TANO**

LAND SURVEY DIVISION
DIBISION AGRAMENSIHAN TANO



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 649-5263 Ext. 400 Fax: 649-5383

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Shawntel L. Techaira
Commissioner

Jack E. Hattig III
Administrative Director

March 12, 2019

Honorable Tina Muña Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

5561-19-0225
Speaker Tina Rose Muña Barnes

MAR 17 2019
Time 2:24 () AM () PM
Received By: [Signature]

Dear Madame Speaker:

Transmitted herewith is the Chamorro Land Trust Commission Resolution No. 2019-05, "**Declaration of support for the sale of Portions of Lot 5174-REM-1 to Nicole Camacho Reyes Kelly**", which was approved at its regular scheduled board meeting on January 17, 2019.

Senseramente,

Jack E. Hattig III
Administrative Director

2:13 PM



CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2019-05

***Declaration of support for the sale of
Portions of Lot 5174-REM-1
to Nicole Camacho Reyes Kelly***

WHEREAS, the Chamorro Land Trust Commission (*hereafter CLTC*), in accordance with Title 21, Section 75105 (c), declares its support to sell portions of Lot 5174-REM-1 to Nicole Camacho Reyes Kelly;

WHEREAS, Nicole Camacho Reyes Kelly has encroached onto a portion of Lot 5174-REM-1, by placing a safety guard rail along the cliff line;

WHEREAS, Lot 5174-REM-1 is situated on a cliff line bounded by Block 8 Perezville Subdivision, and the Pacific Ocean;

WHEREAS, access to lot 5174-REM-1 is extremely difficult due to its terrain, and has limited usable land areas above the cliff line that is bounded by privately owned property (Block 8 Perezville Subdivision);

WHEREAS, the CLTC Board of commissioners recognize the option to sell a portions of Lot 5174-REM-1 to Nicole Camacho Reyes Kelly in accordance with Title 21, Section 75105;

WHEREAS, Nicole Camacho Reyes Kelly desires to purchase a portion of Lot 5174-REM-1, Municipality of Tamuning, defined by Survey Sketch from Guam Surveyor, L.L.C. DWG#2018-145 (EXHIBIT "A") containing and area of approximately 138 \pm square meters or 1,485 \pm square feet;

WHEREAS, on January 17, 2019, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed and approved by motion to support the sell of portions of Lot 5174-REM-1 to Nicole Camacho Reyes Kelly and contiguous land owners subject to survey, and in accordance with Title 21 GCA, Chapter 75.

NOW THEREFOR BE IT RESOLVED,


1. The Chamorro Land Trust Commission Board of Commissioners approves the request for Nicole Camacho Reyes Kelly to purchase a portion of Lot 5174-REM-1 contiguous her boundary to the edge of the cliff line.
2. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *I Liheslaturan Guahan*.

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS
7th DAY OF March 2019.



G. PIKA FEJERAN, Chairwoman
Chamorro Land Trust Commission

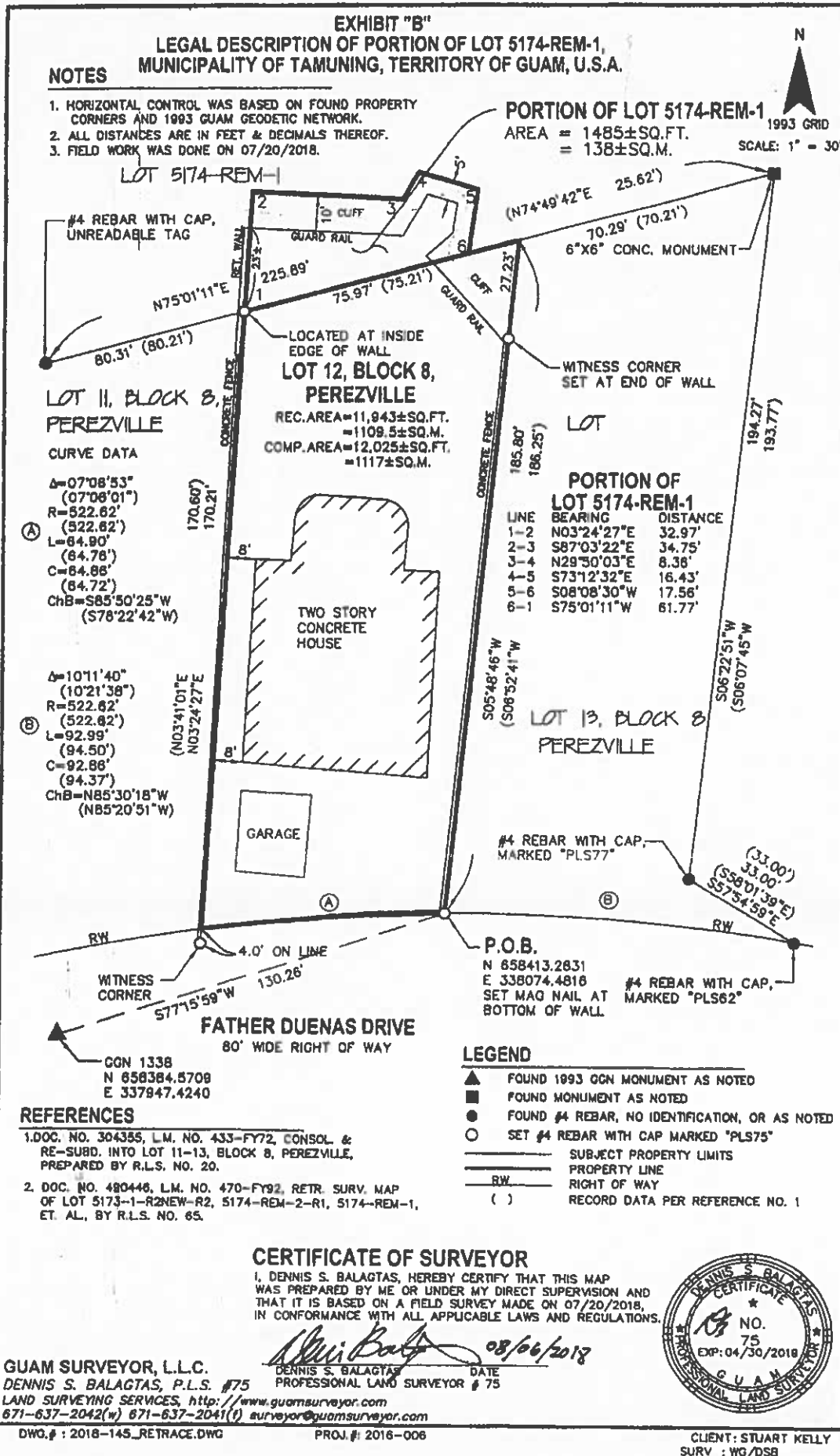
Date: 3-7-19



JACK E. HATTIG III, Administrative Director
Chamorro Land Trust Commission

Date: 7 mar 2019

CLTC RESOLUTION 2019-05 EXHIBIT "A"





CHamoru Land Trust Commission

Land Agent Staff Report

ANTONIO CASTRO CAMCACHO **AGRICULTURE APPLICANT**

I. REQUEST

- Name Antonio Bauer Camacho, successor to Antonio Castro Camacho's agriculture application
- Transfer Antonio Castro Camacho's agriculture application to Antonio Bauer Camacho

II. ISSUE(S)

- The widow of Antonio Castro Camacho was named successor to the agriculture application; Margot B. Camacho
- Antonio Castro Camacho is deceased

III. FACTS

1. Applicant's Date and Time: January 24, 1996, at 11:10 AM
2. Applicant's Application Number: 0003176
3. Application Type: Agriculture
4. Takeover Applicant's Date of Submission: N/A
5. Lot Description: None
6. Survey Map: None
7. Priority: N/A
8. Preoccupier: Yes, Lot 10125-R3, Dededo
9. Land Use Permit (LUP): None
10. Mayor's Certification: None
11. Recorded Lease: N/A
12. Unrecorded Lease: N/A
13. Lease Fee Paid: N/A
14. Is this a Registered Property? N/A
15. Residing on Private Property: N/A
16. Residing on Guam Ancestral Lands Property: N/A
17. Part of Null and Void Listing: N/A
18. Part of 2018 Ratified Listing: N/A
19. Part of 1995 Listing: N/A
20. Part of OPA Audit Listing: N/A

IV. SUMMARY

Antonio Castro Camacho is deceased and named successor, Margot B. Camacho. Margot Camacho requests to relinquish her successor claim to her son, Antonio Bauer Camacho. Antonio Bauer Camacho is now requesting to be the named successor to the Agriculture Application.

CHamoru Land Trust Commission

Land Agent Staff Report

ANTONIO CASTRO CAMCACHO **RESIDENTIAL LESSEE**

I. REQUEST

- Transfer Residential Lease to Mary Lou Camacho, named successor to Antonio Castro Camacho, who is deceased.

II. ISSUE(S)

- Antonio Camacho is deceased

III. FACTS

1. Applicant's Date and Time: December 2, 1995, at 8 AM
2. Applicant's Application Number: 000001
3. Application Type: Residential
4. Takeover Applicant's Date of Submission: N/A
5. Lot Description: Lot 9, Block 1, Tract 14119, Mangilao
6. Survey Map: In-House Approved
7. Priority: N/A
8. Preoccupier: Yes, Lot 10125-R3, Dededo
9. Land Use Permit (LUP): None
10. Mayor's Certification: None
11. Recorded Lease: Yes, Doc. No. 751841
12. Unrecorded Lease: N/A
13. Lease Fee Paid: Yes, \$100.00
14. Is this a Registered Property? Yes
15. Residing on Private Property: No
16. Residing on Guam Ancestral Lands Property: No
17. Part of Null and Void Listing: No
18. Part of 2018 Ratified Listing: Yes
19. Part of 1995 Listing: N/A
20. Part of OPA Audit Listing: No

IV. CHRONOLOGY

1. January 23, 1997: Residential Lease awarded for Lot 9, Block 1, Tract 14119, Dededo, signed by AD J. Borja
2. April 26, 2001: Receipt for lease fee payment in the amount of \$100.00
3. October 14, 2002: Agriculture Interview Sheet
4. October 23, 2003: Authorization to Initiate Survey signed by AD J. Borja
5. May 26, 2006: Letter from CLTC AD T. Elliott; reason Conditions and Covenants of Lessee
6. March 12, 2007: Recording of lease Ins. No. 751841

CHamoru Land Trust Commission

Land Agent Staff Report

7. December 14, 2009: Site Inspection Report compiled by LA II E. Chargualaf and LA E. Artero
8. November 14, 2011: Addendum to Residential Lease executed to reflect in-house approved survey map, signed by AD M. Mafnas, Doc. No. 831373
9. March 5, 2020: UT for GPA and GWA signed by AD J. Hattig III
10. September 28, 2021: Death certificate received by CLTC office
11. December 12, 2021: Mary Lou Camacho, named successor, submitted all required documents for transfer
12. October 1, 2024: Mary Lou Camacho was approved as an Eligible Beneficiary, signed by AAD J. Cruz

ANTONIO CASTRO CAMACHO, LOT 9, BLOCK 1, TRACT 14119, CARNATION AVENUE, MANGILAO

