



CHAMORRO LAND TRUST COMMISSION

Kumision Inangokkon Tano' CHamoru

RESOLUTION NO. 2019-08

***Relative to Approving the Settlement Term Sheet
Relating to United States of America vs. Government of Guam; Chamorro
Land Trust Commission; and Administrative Director of Chamorro Land
Trust, District Court of Guam Civil Case No. 17-00113.***

WHEREAS, the Chamorro Land Trust Commission (**hereafter CLTC**), in accordance with Title 21, Guam Code Annotated, Chapter 75, is tasked with issuing residential and agricultural land leases to qualified applicants. Issuance of these leases is further governed by The Senator Paul J. Bordallo Rules and Regulations for the Chamorro Land Trust Commission, as enacted as Public Law 23-38; and

WHEREAS, on September 29, 2017, the United States of America sued the CLTC alleging, among other things, violations of the Fair Housing Act; and

WHEREAS, on August 15, 2019, the CLTC approved a motion authorizing Commission Chairperson G. Pika Fejeran to represent the Commission in all matters involving and relating to the United States of America v. Government of Guam; Chamorro Land Trust Commission, and Administrative Director of the Chamorro Land Trust, District Court of Guam Civil Case No. 17-00113; and

WHEREAS, on November 13 and 14, 2019, a settlement conference was held with all Guam and United States representatives in the matter of the United States of America v. Government of Guam, Chamorro Land Trust Commission, and Administrative Director of the Chamorro Land Trust, District Court of Guam Civil Case No. 17-00113; and

WHEREAS, at the conclusion of the November 14, 2019, settlement conference, a settlement term sheet (Exhibit 1) (**hereafter the Agreement**) was agreed to in principle by the counsel for the parties and subject to approval by the respective parties, which detailed the specific terms for settlement, including:

1. Certain modifications or amendments to the Chamorro Land Trust Commission Act and/or the Rules and Regulations of the Chamorro Land Trust Commission; and
2. Notification requirements for the provisions detailed in the settlement terms; and
3. Required training for the Commissioners, Administrative Director and employees of the Chamorro Land Trust Commission; and
4. The duration of the Agreement; and
5. That the parties understand and agree that the Agreement is contingent upon the enactment of legislation by the Guam Legislature, and Defendants shall make diligent efforts to seek enactment of any legislation necessary to comply with and carry out the terms of the Agreement, and set a one year time period for the enactment of the legislation; and
6. That the Defendants shall not oppose a motion to be filed by the United States with the

Court to vacate portions of its December 21, 2018 and April 25, 2019 orders; and

WHEREAS, on December 13, 2019, at the CLTC meeting, the Commission was presented by respective counsels, with the Agreement, and the CLTC carefully reviewed each settlement term and discussed the anticipated effects on the Chamorro Land Trust Program and its beneficiaries; and

WHEREAS, the CLTC found the settlement terms in the Agreement to be favorable for the Chamorro Land Trust Program and its beneficiaries, as it preserves the program intact and would not materially affect existing leaseholders. In addition, the Commission found that the proposed modifications or amendments to the Chamorro Land Trust Act and the Rules and Regulations of the Chamorro Land Trust Commission would more clearly demonstrate that the CLT program is a land restoration program meant to rectify the unjust taking of Chamorro homelands by the United States federal government between 1898 and 1968, and would expand the program's eligible beneficiaries to include individuals and their descendants who owned land or who ranched, farmed or otherwise occupied the lands that were taken; and

WHEREAS, the CLTC further considered that it is in the best interest of all parties and the public that the Civil Case be resolved amicably, and without further litigation to avoid the delay, uncertainty, inconvenience and expense of protracted litigation; and

WHEREAS, on December 13, 2019, at the CLTC meeting, the Commission unanimously approved of all terms of the Agreement (the United States v. Government of Guam Term Sheet dated November 14, 2019), in the matter of United States of America v. Government of Guam; Chamorro Land Trust Commission, and Administrative Director of the Chamorro Land Trust, District Court of Guam Civil Case No. 17-00113.

NOW THEREFORE BE IT RESOLVED, the Chamorro Land Trust Commission does hereby approve of the proposed settlement terms included in the Agreement (the United States v. Government of Guam Term Sheet dated November 14, 2019), and implores the Guam Legislature to enact any and all legislation necessary to comply with and carry out the terms of the Agreement, in order to settle the case.

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION

THIS 26th DAY OF December 2019.



G. PIKA FEJERAN, CHAIRWOMAN

Dec. 26, 2019

DATE



JACK E. HATTIG, III, ADMINISTRATIVE DIRECTOR

26 Dec 2019

DATE