

**BOARD OF  
COMMISSIONERS**

**Anita F. Orlino**  
Chairperson

**Ronald T. Laguana**  
Vice Chair

**Maria G. Cruz**  
Secretary/Treasurer

**Ronald F. Eclavea**  
Commissioner

**Anthony J.P. Ada**  
Commissioner

**Antonio A. Sablan**  
Commissioner

**Louisa Wessling**  
Commissioner

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671-649-5383



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

**DIPĀTTAMENTON MINANEHAN TĀNO'**  
(Department of Land Management)

**KUMISION I TĀNO' SAINA-TA**  
(Guahan Ancestral Lands Commission)



MICHAEL J.B. BORJA  
Director

DAVID V. CAMACHO  
Deputy Director

**REGULAR BOARD MEETING  
AGENDA**

Department of Land Management Conference Room  
3<sup>rd</sup> Floor, ITC Building, Tamuning  
Wednesday July 27, 2016; 2:00 PM

**Public Notice: The *Guam Daily Post* on  
Wednesday, July 19, 2016 and Monday, July 25, 2016.**

- I. CALL TO ORDER
- II. INIFRESI / ROLL CALL
- III. APPROVAL OF MINUTES
  - A. Minutes June 22, 2016
- IV. PUBLIC COMMENTS
- V. OLD BUSINESS
  - A. GALC DPHSS WIC MOU disapproval. (GEDA)
  - B. Bryan Ha/ David Duenas-License of one acre in the former occupied area of Balli Steel (GEDA)
- VI. NEW BUSINESS
  - A. GWA Proposed Legislation NDWWTP
  - B. Resolution for specific expenses covered by lease payments
  - C. Legislative Oversight Hearing
- VII. REPORTS
  - A. GEDA
  - B. Director
- VIII. ADJOURNMENT



29 DEPARTMENT OF LAND MANAGEMENT

Certification Sheet

Attendance and absences certified correct. Overtime approved in accordance with existing laws and regulations.

\_\_\_\_\_  
Timekeeper Signature

\_\_\_\_\_  
Authorized Signature

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**DAVID V. CAMACHO**  
Deputy Director

In Compliance with Public Law 24-109

**Guam Ancestral Lands Commission**

Published the

Public Meeting Announcement

For

**Wednesday, July 27, 2016**

In the

Guam Daily Post on

Tuesday, July 19, 2016

And

Monday, July 25, 2016





# Haitians trek to sacred waterfalls in Voodoo festival

SAUT D'EAU, Haiti (AP) — Some carrying candles or calabash bowls with offerings of goat meat, thousands of Haitians made a Saturday pilgrimage to bathe in sacred waterfalls and pray for everything from a good harvest to an end to Haiti's chronic political dysfunction.

A mix of Voodoo and Christian faithful along with a cohort of young, hard-partying revelers gathered in the rushing waters of Saut d'Eau, where they scrubbed their bodies with aromatic leaves and soap. It was the final day of this year's annual three-day festival.

A number of impoverished Haitians made long treks by foot, motorbike or crammed into the back of pickup trucks to reach the 100-foot tall falls, surrounded by white candles placed in moss and tree stumps.

A group of subsistence farmers from the coastal town of Arcahaie spent their meager savings to travel to the falls clad in their best clothes for Voodoo rituals: purple dresses with a red collar for the women and white shirts and pants for the men.

"I've come to put my sickness in the water and gain fresh luck," said Dieudeaue Beauvil, who says she's been struggling with a mysterious malady.

There were no shortage of younger Haitians who came mostly for a good time, drinking shots of homemade moonshine and flirting in the waters.

But many took their prayers seriously, tossing their soaked clothing into the water in a symbolic shedding of their old self. Some shook spasmodically when the spirits overtook them.

Haitian-American social worker Andrea Bellevue was lured from Boston to seek help from Erzulie, a spirit god of love in Voodoo, or Vodou.

"Whenever you come to her and ask her for something you shall receive," said the Boston resident



**ABOVE:** Voodoo pilgrims bathe in a waterfall believed to have purifying powers during the annual celebration in Saut d'Eau, Haiti, Saturday. After bathing, voodoo pilgrims throw away the dresses they wore to the site, and don new clothes for good luck.

**BELOW:** Voodoo pilgrims heat aromatic leaves before bathing in a waterfall believed to have purifying powers during the annual celebration in Saut d'Eau, Haiti, Saturday. Tens of thousands of Haitians make the pilgrimage to bathe in the sacred waterfalls. A mix of Voodoo and Christian faithful along with a cohort of young, hard-partying revelers gathered Saturday in the rushing waters of Saut d'Eau, where they scrubbed their bodies with aromatic leaves and soap. AP photos



as she and many others stripped to their underwear and scrubbed their bodies with leaves.

In the nearby town of Saut d'Eau, pilgrims converged on the local church to pray to the Virgin Mary of Mount Carmel, closely associated with the Voodoo goddess of Erzulie. Saut d'Eau's mystique owes to a 19th century legend that an image of the virgin appeared in the waterfalls. Voodoo evolved in the 17th century

from African slaves. French colonizers forced them to practice Roman Catholicism, but many remained loyal to their African religions in secret by adopting Catholic saints to coincide with African spirits. The Voodoo religion has long been central to Haitian life.

## 9 people killed in avalanche in Tibet's far west

BEIJING (AP) — An avalanche in Tibet's far west has left nine people dead, along with scores of yaks and sheep, authorities and state media said Monday. Those killed were all residents of the village of Dugru in Ngari prefecture, more than 1,000 kilometers (620 miles) from the Himalayan region's capital of Lhasa. China's official Xinhua News Agency said Sunday's tragedy sent snow 8 meters (26 feet) deep crashing down onto nine herders, while also burying 110 yaks and more than 350 sheep. Xinhua said fissures have been seen in glaciers surrounding the region, sparking fears of further avalanches. Rising global temperatures are blamed for speeding the melting of glaciers in Tibet, the source of numerous major Asian rivers, including China's Yellow and Yangtze, Myanmar's Irrawaddy and the Mekong, which ends in Vietnam.

## China fires 3 officials after typhoon in east killed 83

BEIJING (AP) — China's official news agency says the government has fired three officials after a strong tropical storm killed 83 people and left 19 others missing as it battered the country's eastern coast. Xinhua News Agency said Monday that Typhoon Nepartak, which had weakened to a tropical storm when it hit China, toppled nearly 10,000 houses in eastern Fujian province's capital of Fuzhou over the past week. The county of Mingqing was the worst hit, reporting 73 deaths and 17 missing, and widespread cuts to power and telecommunications services. Xinhua says the county's deputy party chief and acting head, Huang Shiyang, and two other officials have been suspended from their duties. Specific details as to why were not given.

## GUAM

ECONOMIC DEVELOPMENT AUTHORITY

*Aurridad Inaitianon Ihananikaan Guahan*

### NOTICE OF REGULAR BOARD MEETING

The Guam Economic Development Authority (GEDA), a public corporation, will be holding its Regular Board of Directors meeting on Friday, July 22, 2016 at 1:30 p.m. in the GEDA conference room located in Suite 511, 5th Floor, International Trade Center (ITC) Building, 590 South Marine Corps Drive, Tamuning, Guam.

Persons requiring special accommodations should contact GEDA's ADA coordinator, Mrs. Gloria Molo, at 647-4332 or [gmolo@investguam.com](mailto:gmolo@investguam.com).

**/s/ Mana Silva Thicjeron**

Deputy Administrator

This ad was paid for with GEDA's General Fund

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Log on to [investguam.com](http://investguam.com) to learn more.

### GUAM ANCESTRAL LANDS COMMISSION

Kumision I Tano' Saina-Ta

### NOTICE OF PUBLIC MEETING

The GUAM ANCESTRAL LANDS COMMISSION (BALC) Board Meeting will be held on Wednesday, July 27, 2016, at 2:00 p.m. Department of Land Management conference room, 3rd Floor of the ITC Building, 590 S. Marine Corps Drive, Tamuning.

Individuals requiring special accommodations, auxiliary aids or services, may contact 649-5283 ext. 432.

This ad paid for by Government funds.



# After Munich shooting, tearful witnesses linger at scene

GUAM DAILY POST • MONDAY, JULY 25, 2016

MUNICH (AP) — It was the beginning of a typical Friday night out. Crowds streamed through Munich's glass-and-concrete Olympia Shopping Mall, while across the street, a mostly young crowd relaxed in a McDonald's restaurant.

Then the first shots rang out. On Saturday, the buzz was replaced by silence. Instead of shoppers, kids hanging out or older folks sitting in arm chairs, the mall was empty, except for police and white-clad cleanup crews wiping away traces of a shooting spree that left nine victims dead and an 18-year-old gunman dead from an apparent suicide. Over two dozen more were injured.

Police barriers remained up for most of the day. Outside, nearby residents from high-rise apartment buildings behind the mall left candles and flow-

ers. Witnesses lingered hours after the end of the tragedy, apparently in disbelief at what had happened. Many appeared to be in shock, and some cried as they mourned young victims they did not know but saw die.

The shooter was a dual Iranian-German national born in Germany after his parents sought asylum there. But witnesses said he shouted anti-foreigner slurs as he pulled the trigger.

The mall was built in a sleepy suburban part of Munich with a high immigrant population. Eight of the nine dead were from 14 to 20 years old. All were Munich residents of various ethnic backgrounds.

**Anti-foreigner**  
Hueseyin Bayri, who witnessed one teenager's death, said the shooter



**FLOWERS:** A girl puts down flowers in front of the Olympia shopping center where a shooting took place leaving nine people dead the day before on Saturday, July 23, in Munich, Germany. AP

screamed a profanity about foreigners, adding "I will kill you all" as he pulled the trigger. A video shot of the perpetrator also showed him yelling anti-foreigner slurs.

"I was exactly at the spot where the boy died," Bayri said of the victim who died in his arms. "I saw that the boy beside me - I didn't know him, but I've taken him into my heart - fall down."

Bayri described trying in vain to keep the teen alive until help arrived.

"Your injuries aren't that bad, brother," I said to him. "The ambulance is already coming. Don't worry, it'll all work out." Then he died in my arms," he

told The Associated Press.

"I will never forget the last words that he told me," said Bayri, shaking his head. "Please help me, please help me."

Monica Radușanov was at the Munich McDonald's where the first shots fell. Terrified, she ran for cover beneath a bush outside the restaurant. "I just hid and trembled and screamed," she said.

Running into a nearby shop after a few minutes, she spent the next five hours inside until police sounded the all-clear.

"I was petrified," she said, still shaking a day after the ordeal.

## GUAM COUNCIL OF WOMEN'S CLUBS

### Financial Report for Period Ending 12/31/13

<b>Beginning Balance as of 01/01/13</b>		<b>\$ 20,789.25</b>
<b>Add: Income</b>		
Club Dues and Membership Dues	\$ 415.00	
Dinner Payments and Raffle Sales	\$ 7,265.00	
Fundraisings	\$ 17,747.80	<b>\$25,427.80</b>
		<b>\$46,217.05</b>
<b>Expenses:</b>		
Donations	\$ 18,745.87	
Fundraising Expenses	\$ 3,770.00	
Dinner Meetings	\$ 4,681.54	
Anniversary Expenses	\$ 4,569.17	
Miscellaneous Expenses	\$ 981.77	<b>\$32,728.15</b>
<b>Bank Balance as of 12/31/13</b>		<b>\$13,488.90</b>

### Financial Report for Period Ending 12/31/14

<b>Beginning Balance as of 01/01/14</b>		<b>\$13,488.90</b>
<b>Add: Income</b>		
Dinner Payments & Raffle Sales	\$ 8,388.00	
Membership Dues	\$ 40.00	
Fundraisings	\$ 13,498.00	<b>\$ 21,924.00</b>
		<b>\$ 36,412.90</b>
<b>Less: Expenses</b>		
Miscellaneous	\$ 2,015.97	
Donations	\$ 5,880.00	
Dinner Meetings	\$ 7,374.95	
Fundraising Expenses	\$ 5,485.50	<b>\$ 20,756.42</b>
<b>Ending Balance as of 12/31/14</b>		<b>\$ 14,656.48</b>

### Financial Report for Period Ending 12/31/15

<b>Beginning Balance as of 01/01/14</b>		<b>\$ 14,656.48</b>
<b>Add: Income</b>		
Dinner Payments & Raffle Sales	\$ 7,396.00	
Membership Dues	\$ 1,050.00	
Fundraisings	\$ 38,694.00	<b>\$ 47,140.00</b>
		<b>\$ 61,796.48</b>
<b>Less: Expenses</b>		
Miscellaneous	\$ 1,572.01	
Donations	\$ 7,650.00	
Dinner Meetings	\$ 6,450.00	
Fundraising Expenses	\$ 15,959.50	<b>\$ 31,631.51</b>
<b>Ending Balance as of 12/31/15</b>		<b>\$ 30,164.97</b>

Prepared by: /s/Annie Gozum-Soto  
Treasurer



**GUAHAN ANCESTRAL LANDS COMMISSION**  
Kumision I Tāno' Saina-Ta



**NOTICE OF PUBLIC MEETING**

**The GUAHAN ANCESTRAL LANDS COMMISSION (GALC)**  
Board Meeting will be held on Wednesday,  
July 27, 2016, at 2:00 p.m., Department of Land Management conference  
room, 3rd Floor of the ITC Building, 590 S. Marine Corps Drive, Tarrunung.  
Individuals requiring special accommodations, auxiliary aids or services, may  
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**PUBLIC MEETING NOTICE**

The Western Pacific Regional Fishery Management Council announces the following public meeting on fisheries management in offshore waters of Hawai'i, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI) and the Pacific Remote Island Areas.

The 167th Council Meeting will be held by teleconference and webinar. The phone numbers are U.S. toll-free (888) 482-3560 or International +1 (647) 723-3959. The access code is 5228220. The webinar is at <https://wprfmc.webex.com/join/info.wpcouncilnoaa.gov>. The following venues will host the teleconference

**August 4 (Th)**  
9 a.m. to 11 a.m. (CST) Hilton Resort & Spa, 202 Hilton Rd., Tumon Bay, Guam

Department of Lands & Natural Resources conference room, Santa Remedio Dr., Lower Base, Saipan, CNMI

**Major agenda items:** Proposed expansion of the Papehānaumokuākea Marine National Monument, U.S. Territory bigeye tuna limit options, Council family changes, International Union for Conservation of Nature resolutions, public comment, other business.

For more information and full agenda, go to [www.wpcouncil.org](http://www.wpcouncil.org) or email [info.wpcouncil@noaa.gov](mailto:info.wpcouncil@noaa.gov), ph: (808) 522-8220 or fax (808) 522-8228, in Guam ph (671) 687-6812, in CNMI ph (670) 322-9834 or (670) 287-9482; and in American Samoa, ph (884) 258-9588. The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be requested at least five days prior to the meeting.

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Deputy Director

**GALC COMMISSION MEETING MINUTES**  
**Department of Land Management Conference Room**  
**3<sup>rd</sup> Floor, ITC Building, Tamuning**  
**Wednesday, June 22, 2016 | 2:19pm to 5:50pm**

**I. CALL TO ORDER**

Meeting was called to order at 2:19pm by Chairwoman Anita F. Orlino

**II. ROLL CALL**

Present were Chairwoman Anita F. Orlino, Vice-Chairman Ronald T. Laguana Secretary Maria Cruz-Absent, Commissioner Ronald Eclavea, Commissioner Anthony Ada-Tardy, Commissioner Antonio Sablan, Commissioner Louisa M. Wessling, Director Michael Borja-Absent, Deputy Director David Camacho, Land Administrator Margarita Borja, Karen Charfauros, Land Agent, Kristan Finney, Attorney.

**Chairperson Orlino:** In Compliance with public law 24-109, Guam Ancestral Lands Commission published the public meeting announcement on Wednesday, June 15, 2016 and Monday, June 20, 2016 in the Guam Daily Post.

**Chairwoman Anita Orlino:** Okay so that will come next meeting

**III. Approval of Minutes**

- A. April 13, 2016**
- B. May 11, 2016**

**Chairwoman Anita Orlino:** Number three on the agenda is approval of minutes from April 13, 2016 and May 13, 2016 board members the minutes from the previous meetings are before you, look over it and then we will entertain any questions.

**Commissioner Ron Eclavea:** I make a motion to approve the minutes subject to any correction.

**Commissioner Antonio Sablan:** I second the motion.

**Chairwoman Anita Orlino:** All those in favor say "aye".

**All Commissioners Present: Aye.**



**Chairwoman Anita Orlino:** Motion passed.

#### **IV. Old Business**

##### **A. GALC Rules and Regulations**

**Chairwoman Anita Orlino:** The rules and regulations are before you and I think the Director has something to say.

**Deputy Director David Camacho:** I apologize that the Director cannot be here he is tied down with other things. In front of me is the GALC rules and regulation that is ready to be sent off to the Attorney General's Office. One of our concerns we cannot come up with the minutes in the past that approve the draft which myself I know it has been approved. I am here to ask the Board, the Director has a letter made out for you guys to affirm that the rules and regulation was voted on and passed and approved and that is one of the things we need.

**Chairwoman Anita Orlino:** I believe that Tony and Louisa were the only two not involved.

**Commissioner Ron Eclavea:** We did pass the rules and regs and it went up to the AG's office right?

**Chairwoman Anita Orlino:** That's right.

**Commissioner Ron Eclavea:** That's why it is at the AG's in the first place.

**Deputy Director David Camacho:** The only things we are waiting on this is the economic impact statement which we cleared it with Bureau of Statistics and Planning, we don't need to include that because we don't meet the payments criteria. We did go to GEDA to have them do an economic impact statement but as I said Bureau of Statistics and Planning said we don't need to include that because we don't meet the payments criteria, so the packet has been done and all we need is an affirmation from the Chairperson and the Director affirming that the rules and regulation have been approved.

**Chairwoman Anita Orlino:** That should show in our previous minutes that we approved the rules and reg for the land bank.

**Attorney Kristan Finney:** What I understand from the Director was he tried to find in the minutes that the approval happened but he was not able to locate I know you say you remember it and he does also for whatever reason he is just unable to locate it and he wanted you guys have an approval of that.

**Commissioner Ron Eclavea:** It is not a matter of voting on it again they just want confirmation that we did.

**Chairwoman Anita Orlino:** Yes.

**Commissioner Ron Eclavea:** And I know because it wouldn't have gone up to the AG's

**Attorney Kristan Finney:** It is not at the AG's office yet because as Mr. Camacho has said they are waiting on the economic impact statement.

**Chairwoman Anita Orino:** Okay but then we found out that we don't need that economic impact statement.

**Attorney Kristan Finney:** In the meantime he can't find the records in the minutes , the vote that you took to approve it

**Commissioner Antonio Sablan:** My comment to that is if you don't have that minutes and you don't have approval you don't have a contract. For motion purposes here I am totally dumbfounded here what the packet includes and what's the information to review it before I do anything and I am sure Louisa would want to read it and go over it for it's a major step for this commission I would request that we table this and discuss it in another meeting after we are all appraised of what it entails in the rules and regulations.

**Chairwoman Anita Orino:** Thank you. We have a comment from Karen.

**Karen Charfauros:** Just a little history because I reviewed all the minutes to find the section that it was approved: there was a final draft approved in June 2015, after the June meeting it went to a public hearing in June 23, 2015, and then you guys took all the comments and had a lengthy discussion in the October meeting. And then they were suggestions made to make minor changes to the rules and regs and those were all in the minutes, just minor changes, that was supposed to come back in November the final draft to be voted on and in the November minutes, it was on the agenda , and it said that it was tabled - that was there in the minutes. Asked why it was tabled and Ron Eclavea said "it was not ready" and that is where we left off.

**Commissioner Ron Eclavea:** So how is it we had the idea it was sent up to the AG's office?

**Karen Charfauros:** I don't know. And then December we did not bring it back to the table that was when you discussed Jesus Quintanilla's case and that took up two hours. And another thing, the letter that came from Bureau of Statistics the letter didn't say that you did not need an economic impact statement it said that you should request for a waiver from the legislature because we didn't need it and my recommendation is that Bureau of Statistics could have provided an economic impact statement saying there was no impact, I don't know what happened after that.

**Vice Chair Ronald Laguana:** You need that in writing? Your suggestion?

**Karen Charfauros:** Yes. When you go to Committee hearings impact statements are required and if we are following the same procedure then you need one from BBMR that says there will be no impact.

**Deputy Director David Camacho:** BBMR is not involved with this.

**Karen Charfauros:** Bureau of Statistics and Planning.

**Commissioner Ron Eclavea:** I think Tony's suggestion is right on the money we should do another vote later once they had the chance to review it.

**Vice Chair Ronald Laguana:** all of us should review it again because that extinguishment part (inaudible) it is included now.

**Karen Charfauros:** The changes were made in that draft what I could do is print out the minutes that suggest the changes and you can make a comparative to see if the changes were made.

**Commissioner Ron Eclavea:** Are we going to get that now? Is this the final draft?

**Karen Charfauros:** That is the final draft with the changes made from the October meeting.

**Vice Chair Ronald Laguana:** My major concern at the time was the extinguishment of claims upon payment, the majority of stakeholders that were there suggested that not be there, once their lands are released you can have that option of receiving back those lands, that was included in there right?

**Commissioner Ron Eclavea:** That's when it's extinguished.

**Vice Chair Ronald Laguana:** That was my only concern.

**Karen Charfauros:** The changes should be made in the current proposal you might want to look through that and see if it is there.

**Vice Chair Ronald Laguana:** Based on the recommendations.

**Deputy Director David Camacho:** The proposal is right in front of you.

**Commissioner Ron Eclavea:** Okay I got it.

**Vice Chair Ronald Laguana:** What is that packet that you are holding there?

**Deputy Director David Camacho:** These are all the necessary documents the advertisement, the public hearing.....

**Chairwoman Anita Orlino:** .....the public hearing, the changes and everything so that is the packet that is going out? What we have before us is the same thing.

**Commissioner Antonio Sablan:** I would like to request the minutes of this meeting so I know what is going on.

**Chairwoman Anita Orlino:** That June 2015, August 23<sup>rd</sup> 2015, October 2015.

(inaudible)

**Commissioner Ron Eclavea:** Its number 3.

**Vice Chair Ronald Laguana:** Section 3?

**Chairwoman Anita Orlino:** In section 80103.30 Land bank Program: Purpose

**Commissioner Ron Eclavea:** Number 3 on the second page, no the other page.

**Vice Chair Ronald Laguana:** Page 3? What page? Look at the bottom.

**Commissioner Ron Eclavea:** Page 3.

**Vice Chair Ronald Laguana:** There you go, page 3 number 3. Okay that was my major comment.

**Commissioner Ron Eclavea:** So shall we set a date so we have enough time to review this and re-vote on it.

**Chairwoman Anita Orino:** Legal Counsel?

**Attorney Kristan Finney:** That is completely up to you guys.

**Vice Chair Ronald Laguana:** We can re-vote on it because we have two additional members and they want to participate and review before approval.

**Commissioner Ron Eclavea:** I don't think they voted on it the last time.

**Vice Chair Ronald Laguana:** But we didn't vote on it.

**Commissioner Ron Eclavea:** That is why we should give them time to review it and then set a date and come back.

**Commissioner Antonio Sablan:** Madam Chair I would like to recommend that if there is something like a major issue that we have a working session so we can educate ourselves.

**Commissioner Ron Eclavea:** We have been through this for 5, 8 years.

**Deputy Director David Camacho:** We have been through this for so many months.

**Commissioner Ron Eclavea:** Yeah, years and years, we have been through the whole process.

**Commissioner Antonio Sablan:** What I am saying is I need to review the issue and I am sure Louisa would want to do the same thing otherwise you won't see my vote because I will not vote on something I am not familiar with.

**Vice Chair Ronald Laguana:** My only part was that section and it was recommended by our legal counsel to not remove that and then when it went to public I was right and then it was brought back so I am ready to move forward.

**Commissioner Ron Eclavea:** Well we have two choices here, we can table it and if we have enough to vote on it next time around it passes or we have another work session.

**Commissioner Antonio Sablan:** Tabling so I can educate myself and Louisa can educate herself.

**Commissioner Ron Eclavea:** The two options I am fine with it.

**Chairwoman Anita Orino:** Secretary-Treasurer is not here and Tony Ada is not here.

**Deputy Director David Camacho:** I recommend that you wait until the two are here.....

**Chairwoman Anita Orino:** Yeah that is what I am saying.

**Deputy Director David Camacho:** So the people that are involved with this in the past years make the decision, this has been going on for three, four years.

**Chairwoman Anita Orino:** I would like to recognize Commissioner Ada. Tony we are on old business and we are discussing the GALC Rules and Regulation so today we have a package to be submitted and we worked so hard and a timeline has been asked from the legislature, per the request of the two Commission members that we table this and they can go over it, they were not involved in the voting, the discussion, the public hearing, held in June 2015, August 23<sup>rd</sup> public hearing, October and then final December 2015.

**Vice Chair Ronald Laguana:** The development of the whole entire document.

**Chairwoman Anita Orino:** The proposal, the rules and regs was in the making for a long time. We prepared for submission and the two Commissioners would like to review that.

**Commissioner Ron Eclavea:** May I add Madam Chair? Right now we are not finding the minutes showing the approval of the proposal they can't seem to locate it. In December we only had a couple of issues with the language which they have added to it and we have not made it a final approval although I recall approving it based upon them changing that language and I think these guys may have abstain from voting if they were there but right now the Director cannot find it.

**Commissioner Anthony Ada:** It used to be the minutes were emailed to us is it in one of those?

**Karen Charfauros:** The chronology happened this way: in June 2015 you came up with a draft, then it went to a public hearing in September 2015, and then you guys took all the comments and had a lengthy discussion in the October meeting it took up two hours of discussion. And then you made some suggestions in the October meeting to make changes like the word extinguishment and then it was suggested you come back in November to vote on it and in the November minutes, it was on the agenda, in the minutes it indicates "it was not ready" for final voting and that is where we left off. Those changes were what you were looking for and you wanted to see the changes. I listen to the tapes, I do the transcription and I could not find it.

**Deputy Director David Camacho:** Anything in December?

**Karen Charfauros:** No. it is not even in the December agenda, December was when you heard Quintanilla's case and that took a long time.

**Commissioner Ron Eclavea:** The two board members here I see their point and I would probably ask the same thing they are totally oblivious as to what is going on and they are suggesting that they want to review it first and then possibly have another work session to be more familiar with what is going on with the rules and regs.

**Commissioner Antonio Sablan:** I am not necessarily asking for a work session because the minutes will have all the discussion but I need to know what that minutes are to vote on it.

**Commissioner Ron Eclavea:** For him to vote on it he needs to be familiar with this to vote on it.

**Commissioner Ronald Laguana:** What do you think Commissioner Ada?

**Commissioner Anthony Ada:** This is for the money in the land bank trust? The main thing is who qualifies to be in there and how they are going to be paid and how did we define extinguishment?

**Commissioner Ron Eclavea:** Perpetual payments.

**Commissioner Ronald Laguana:** Perpetuity until the release of the lands.

**Commissioner Anthony Ada:** My comment is what happens when they assess the property at the time of taking, which most likely it is or current market, that time in the future the money will be distributed the estate exceeds the value of the property so what do you do when you reach that .

**Commissioner Ron Eclavea:** Remember that is not a part of the rules at all.

**Commissioner Anthony Ada:** We talked about that.

**Commissioner Ron Eclavea:** There is no market value there is none of that involved.

**Commissioner Anthony Ada:** This went from eleven pages down to four and then we said this process has not ended because it has to go to the legislature and they are going to have a few things to say about it I remember we voted to incorporate what we discussed and then send it up, that is what I remember.

**Chairwoman Anita Orfino:** That is what I remember too, we were going to send it as is, we have gone over it and like you said it went from eleven to four pages and at this point in time if the submission is made to the legislature things could change, either they add, delete or not entertain them at all. We have done the work already, Commissioner Ada, Secretary-Treasurer, all of us involved but what happen to the minutes I don't know but I remember voting to submit it as is, what we have before us.

**Commissioner Ron Eclavea:** Yes pending the language change.

**Commissioner Louisa Wessling:** I am in accordance with Commissioner Sablan and if you want to proceed you have enough votes but I will abstain because I wasn't involved but if you need us to vote on it in order to move forward then I request additional time to go over it because as Karen pointed out the last great discussion on this was in October and that is when I started.

**Commissioner Ron Eclavea:** I recall you were here for the public hearing right?

**Commissioner Louisa Wessling:** No.

**Commissioner Ron Eclavea:** I remember because of the land appraisals

**Deputy Director David Camacho:** Going back to why we are presenting it for those board members, I myself remember you guys approving the rules and regulations, is for the members that are involved in the approval to affirm that it has been approved so we can start the process of

sending it to the AG's office then to the Governor's office, to the legislature and then again the legislature could change it and that is another hearing.

**Commissioner Ron Eclavea:** What is your suggestion?

**Deputy Director David Camacho:** We prepared an affirmation letter that it has been approved it has to be signed by the Chairperson and the Director.

**Chairwoman Anita Orlino:** Approved on the board level, those that voted back then.

**Deputy Director David Camacho:** The only thing that will clear it is that the rules and regulations has been approved, I do recall that it has been approved

**Commissioner Ron Eclavea:** So he is asking us to affirm that approval without having to vote on it again.

**Attorney Kristan Finney:** It sounds like, from the summary Karen gave, you guys have not voted on this yet.

**Commissioner Antonio Sablan:** The four of you approve it then it goes, I am abstaining because I don't know yet what is going on.

**Commissioner Ron Eclavea:** I recall we approved it pending the changes.

**Attorney Kristan Finney:** What I am saying is the recollection doesn't match what the minutes are saying, you had a lot of discussion with an intention of taking another vote and that vote never happened.

**Commissioner Ron Eclavea:** I have a suggestion why don't we schedule a time to re-vote on it and it will give these two commissioners time to evaluate because it went from eleven pages to four and by the time we get together to vote you may feel comfortable to vote on it so we can re-schedule a time to vote.

**Commissioner Antonio Sablan:** I have a question, you guys can vote the four of you and that would pass, there is no evidence of pass voting just vote and pass it if you are going to pass it and I guess Louisa and myself are not going to be in that part voting process.

**Chairwoman Anita Orlino:** It looks like we are going to vote on that today the four here have gone through the whole process and like he says they don't have too, the two.

**Commissioner Antonio Sablan:** I am abstaining.

**Commissioner Ron Eclavea:** This is pretty much it, this is the same one.

**Chairwoman Anita Orlino:** The proposal, this is the last one we submitted on December 17, 2016. Whatever we have here before us is in that packet and they just need our signature.....

**Commissioner Ron Eclavea:** Okay Madam Chair I make the motion for the final approval for the land bank rules and regulations proposal.

**Chairwoman Anita Orino:** So there is a motion on the floor for the GALC rules and regulations proposal for submission and we have that before us today and we are going to vote on that.

**Commissioner Ronald Laguana:** I second the motion.

**Chairwoman Anita Orino:** The motion has been seconded we will go ahead and vote.

**Commissioner Antonio Sablan:** Can you roll call that vote.

**Chairwoman Anita Orino:** Commissioner Ada?

**Commissioner Anthony Ada:** I vote yes.

**Chairwoman Anita Orino:** Commissioner Laguana?

**Commissioner Ronald Laguana:** Yes.

**Chairwoman Anita Orino:** Commissioner Eclavea?

**Commissioner Ron Eclavea:** Yes.

**Chairwoman Anita Orino:** Commissioner Sablan?

**Commissioner Antonio Sablan:** I abstain

**Chairwoman Anita Orino:** Commissioner Wessling?

**Commissioner Louisa Wessling:** I Abstain.

**Chairwoman Anita Orino:** I vote yes, we have four votes and two abstain so that passes.

#### **IV. Old Business**

##### **A. GALC DPHSS WIC MOU Disapproval**

**Chairwoman Anita Orino:** We move on to **GALC DPHSS WIC MOU Disapproval.**

**Karen Charfauros:** Just a recap from the recording, Attorney Kristan Finney was not aware that an MOU was required along with the license agreement and Chairwoman Orino instructed Director Borja to check into it.

**Chairwoman Anita Orino:** I think MOU is just a formality for payment because it is federally funded right Deputy Director?

**Deputy Director David Camacho:** Yes. That the attention that we received from the WIC program is the federal fund cannot be released unless there is an MOU between Ancestral and the WIC program and the Director was asked to check for sure.

**Attorney Kristan Finney:** What I think I said in the last meeting was there were inconsistencies between the MOU and the license agreement and we discussed that if an MOU was needed for

some reason then we have to make it consistent with the license agreement and I haven't heard anything from anybody.

**Chairwoman Anita Orlino:** I guess we will table it because no one knows anything about that.

**Deputy Director David Camacho:** Madam Chair we will try and get the information for the next meeting.

**Chairwoman Anita Orlino:** Okay, we will get information on the memorandum of understanding. Commissioner Ada?

**Commissioner Anthony Ada:** The topic here is whether it is a license or an MOU but that word "disapproval" who disapproved?

**Attorney Kristan Finney:** An MOU was sent to the AG's office for review and at this point it hasn't been disapproved but it can't be recommend for approval because it is inconsistent with the license agreement that has to be ironed out.

**Commissioner Anthony Ada:** An MOU is between government entities, license agreement comes into play when a non-government entity, for example, wants to rent space, that is what I understood from the discussion.

**Attorney Kristan Finney:** Typically there would be a lease but the government can't lease to itself so you would expect to see an MOU. You have this MOU and a license agreement but they are not consistent with each other.

**Commissioner Anthony Ada:** They apply to two different relationships.

**Attorney Kristan Finney:** Well no it is not the terms are different.

**Commissioner Anthony Ada:** So what does the AG recommend? Drop the license and keep the MOU?

**Attorney Kristan Finney:** That would make the most sense but that is what I am saying if an MOU is what is needed.....

**Commissioner Anthony Ada:** What is the communication? I mean they see the license they see the MOU they agree with each other usually government to government they drop the license and take the MOU.

**Attorney Kristan Finney:** Well you can't just drop the license you would have to do something different where everybody agrees the license is to be terminated

**Commissioner Anthony Ada:** Where is the memo that talks about the license and the MOU

**Chairwoman Anita Orlino:** The only reason why we have that MOU is the government of Guam is the receivership of that money, when DOA receives that money from the federal they disburse that money to us I think that is why we needed that MOU from the onset.

**Attorney Kristan Finney:** It is GEDA that prepared it, so that would have to go back to GEDA.

**Chairwoman Anita Orlino:** So we go ahead and table that until the next time.

**Commissioner Anthony Ada:** I want to see a letter from the AG that tells us what we are going to talk about.

**Karen Charfauros:** I forwarded it to them but this happened over a month ago.

**Commissioner Anthony Ada:** Usually when I receive something I have a subdirectory I am looking for it and I don't find it but I recall it is the MOU that needs to be corrected when you are dealing with two government entities not a license so we take it to the next step what is in the license we need to put in the MOU and write the MOU.

**Karen Charfauros:** You know this discussion is in your minutes, page 17 of your May 11<sup>th</sup> meeting.

**Attorney Kristan Finney:** I think Commissioner Ada is asking for the letter.

**Karen Charfauros:** He would have received a month prior to these minutes because it was in preparation for the upcoming meeting.

**Commissioner Anthony Ada:** Does anybody else remember getting the letter?

**Commissioner Ron Eclavea:** Page 17?

**Karen Charfauros:** Yes. It is titled "B" GALC DPHSS MOU Disapproval. That is the beginning of this discussion. Half way down on page 19 Chairwoman Anita Orlino says "Right, but the MOU is in their hands already", Director says "No it hasn't been done" Chairwoman Anita Orlino says "But previous" Director says "There was in 2010". On page 20 half way down Chairman Orlino says "So Director you will check on the license and MOU?" Director says "yeah, yeah" and that topic ends there and the Director goes into QuickBooks.

**Commissioner Ron Eclavea:** It's all here.

**Commissioner Anthony Ada:** Well on page 17 Attorney Finney already said way back on this meeting on May 11 that the two didn't match up and her recommendation is to do an MOU, so who does the MOU?

**Chairwoman Anita Orlino:** GEDA (inaudible)

**Commissioner Anthony Ada:** Have Attorney Finney do it and go to the next step.

**Karen Charfauros:** But if you read further the question of an MOU was brought up because it seem like it was required by DOA to release federal funds.

**Attorney Kristan Finney:** I am sorry but I thought a license agreement was needed by DOA I was questioning not the fact of the MOU but the license agreement part of it.

**Commissioner Anthony Ada:** What is our timeline with our relation with WIC are they already passed the.....can they say they cannot pay us because there is no agreement or MOU?

**Attorney Kristan Finney:** I don't know the status of the agreement.

**Commissioner Anthony Ada:** Well if I don't have a contract I am not going to pay you.

**Attorney Kristan Finney:** Again I don't know the status of the agreement?

**Commissioner Anthony Ada:** When did their license expire or whatever they were holding on, functioning on, expire? When did that thing stop being a good document?

**Attorney Kristan Finney:** I don't know I can tell you that were two different dates.

**Commissioner Anthony Ada:** Was it this year? Because again with the new fiscal year coming up if we go past September and we go into the new budget period how can they get the money to pay?

**Attorney Kristan Finney:** I think GEDA would have the answer (inaudible). You would have to ask GEDA those questions

**Commissioner Anthony Ada:** You want me to go ask them? We cannot let this thing go again until another meeting.

**Chairwoman Anita Orlino:** We are going to have somebody call GEDA and find out.

**Commissioner Anthony Ada:** Anyway, I didn't download the memo from the AG I don't have anything here so I am going to go back and look for it, I already know what that letter says, there is a license and there is an MOU and they do not match. Somebody wrote the MOU and somebody wrote the license, GEDA?

**Chairwoman Anita Orlino:** Yes.

**Commissioner Anthony Ada:** So we have to go ask GEDA they have known this since way back and they have a copy of the same letter

**Commissioner Ron Eclavea:** The Director was asked to follow up it is in the minutes.

**Commissioner Anthony Ada:** Even if it is in the minutes we know what the situation is. The situation is we got to make that thing become an MOU right? We don't need to see the letter anymore.

**Commissioner Ron Eclavea:** So I think this board needs to get GEDA to put that in an MOU right?

**Chairwoman Anita Orlino:** The Director last time said he would look into this.

**Commissioner Ron Eclavea:** So we should ask the Director to follow up to get GEDA to put that into an MOU.

**Chairwoman Anita Orlino:** You know if the license and the MOU are conflicting we are never going to get paid. Remember the federal sends that money the receiver is the government of Guam and before they could pay that out they attach the MOU.

**Deputy Director David Camacho:** With all this discrepancy or what we are still getting paid.

**Chairwoman Anita Orlino:** It has to be there.

**Deputy Director David Camacho:** A couple of months ago they came before the board and in order for DOA to release the payment they needed an MOU and GEDA started an MOU with public health, you even went through it, you even signed it public health signed it but when it went to the AG's office it was conflicting. So from that point on, I even spoke to Mendiola from GEDA, to come up which one are we suppose to come out with and since that time they have not gotten back to us. Even the public health Director told me they needed an MOU. They are the one pushing us with the MOU.

**Commissioner Anthony Ada:** So we agree that GEDA is suppose to write this not the AG? We need to find out who is suppose to write it, we have to ask GEDA if they are going to write it and we need to hear the word 'yes' and we need to ask them to do it now. So who is going to ask them so I can ask them.

**Chairwoman Anita Orlino:** We will let the Deputy Director take care of it

**Commissioner Ronald Laguana:** ASAP

**Chairwoman Anita Orlino:** Yes. Is that clear? Deputy Director please follow up on the conflicting MOU and the license. Okay that takes care of the WIC program MOU. Dave do you have a comment in old business?

**Attorney David Highsmith:** I have nothing to do with the MOU.

**Chairwoman Anita Orlino:** No, no, no. this is old business.

**Attorney David Highsmith:** Okay. First time in a while the good news out weights the bad. Judge Lamorena and Judge Barcinas have both said, both held, we can stay in those respective cases, their ruling is different from Judge Sukola, Judge Sukola said we have to get out. We have tried to appeal Judge Sukola to the Supreme Court but is not much luck because they can't get a panel together they only have Judge Miriman and Judge John Unpingco are there temporarily they don't have a third and they need to investigate for a potential conflict with Judge John Unpingco. The other side lawyers have done the same thing in Judge Lamorena's case they have appealed to the Supreme Court, I think they want to delay that is what that is about so those two cases are kind of moving along. Judge Barcinas had a hearing last week, remember these are the three title cases. So we are out of one, that is in the hands of Sandy Miller, the Governor's Attorney, and they are looking for an Attorney to handle it but they haven't done very much which is starting to worry me.

**Commissioner Anthony Ada:** Which case Dave?

**Attorney David Highsmith:** CV 1235-12. We had a hearing in front of Judge Barcinas and I was trying to bring an order to show cause Geri Gutierrez to get a restraining order they were moving

to have me sanctioned to pay their attorney's fees and then there are two pending motions for summary judgment, and the judge unfortunately was a little disappointing, he said you guys agreed on hearing dates the other law firm and I haven't been able to agree on anything and he said none of these things will be heard until after the middle of September because he has July trials from now until the end of August. So everything has been filed I mean the paperwork is this deep and filed in front of Judge Barcinas but it is probably not going to be heard until the middle of September if that. The probate case we are still fighting that in the Supreme Court it's the same problem they have Judge Miriman and Judge John Unpingco and no third Judge they moved to strike our position they want me sanctioned again

**Commissioner Anthony Ada:** Why do they want to sanction you?

**Attorney David Highsmith:** They said I had a frivolous petition for purposes of delay and I misrepresented things to the Judge because of the probate cases the money is still sitting in the probate trust account so we are still close to 14 million dollars that we are chasing.

**Chairwoman Anita Orlino:** You said 13 the last time.

**Attorney David Highsmith:** 13.6

**Commissioner Anthony Ada:** Who is asking for the sanction the lawyers from the other side?

**Attorney David Highsmith:** Yes.

**Commissioner Ron Eclavea:** But that is the case you haven't been disqualified on?

**Attorney David Highsmith:** That's the probate. On the one case that is settled and we are going to get about \$240,000 dollars for the land bank trust, there is a hearing on Friday I think the judge is going to ask if we want to stick to that settlement, I think we do, I will just tell him that. So as far as the land title cases and the probate those are moving along. The two cases the licenses 1378 and 1379-10 there is nothing new regarding those cases, one we will go to trial in November the other is up on appeal because Judge Sukola dismissed that and it is completely briefed we just need to argue in the supreme court.

**Commissioner Anthony Ada:** Did department of land management get a copy of those briefs filed.

**Attorney David Highsmith:** I will send one down

**Commissioner Anthony Ada:** and when you refer to the probate case you are referring to the millions of dollars?

**Attorney David Highsmith:** Yes, the Estate of Jose Martinez Torres and his wife Maria Calvo Torres. I think that's everything on the Torres' Estate. I understand that DLM got some visits from Mr. and Mrs. Gutierrez it is the first I heard about it so if anybody can fill me in, I would like to know about it. Does anybody know? Dave?

**Deputy Director David Camacho:** (inaudible)

**Attorney David Highsmith:** Well I fear they will come around here and Adelup and try and settle some of these cases without going through me and you I just ask that everybody keeps their eyes peeled, don't do anything without talking to me.

**Commissioner Anthony Ada:** Land Management made a good decision not to entertain them but before that they made an offer of \$250,000 dollars but that was brought up in the meeting.

**Attorney David Highsmith:** I thought that was 2 million

**Commissioner Anthony Ada:** No.

**Commissioner Ronald Laguana:** 240

**Commissioner Ron Eclavea:** I thought it was 240,000 then it went up to 2 million.

**Commissioner Anthony Ada:** There was some type of discussion before it was cut off I wasn't there but that is what my understanding is, but they showed up here to try and influence this case.

**Attorney David Highsmith:** Yeah.

**Commissioner Anthony Ada:** You need to know that right?

**Attorney David Highsmith:** Yes.

**Commissioner Anthony Ada:** And then a decision was made to disqualify Attorney General Elizabeth Barrett-Anderson.

**Attorney David Highsmith:** In one case.

**Commissioner Anthony Ada:** The probate case?

**Attorney David Highsmith:** No. In CV1235-12 Judge Sukola's quiet title case. In the probate case we filed claims for the money they struck the claims, we were not disqualified and that is my appeal to the Supreme Court of Guam is all about. Don't let anybody tell you we got disqualified on that.

**Commissioner Ron Eclavea:** 1235 that is the case dealing with.....

**Attorney David Highsmith:** The three pieces of land. Probate is 50 dash something and 114-08.

**Commissioner Ron Eclavea:** Can you specify exactly which is the land so we know, is this the one by the mall?

**Chairwoman Anita Orlino:** Karen sent us the status of each and every case.

**Attorney David Highsmith:** I will send you an update.

**Commissioner Anthony Ada:** There is stuff I am concerned about if Attorney General Barrett-Anderson was disqualified from only one of these cases, and the decision.....I don't understand this. Okay the one that you say 1235-12 the AG was disqualified but the AG's office was not?

**Attorney David Highsmith:** No. That one the office was disqualified, okay I should have been more precise. The office and the AG was disqualified. CV0454-12 the AG was disqualified which is okay.

**Commissioner Anthony Ada:** CV?

**Attorney David Highsmith:** CV0454-12, the AG was disqualified but the office was allowed to stay.

**Commissioner Anthony Ada:** 0454-12.

**Attorney David Highsmith:** Judge Lamorena's case

**Commissioner Anthony Ada:** Judge Lamorena?

**Attorney David Highsmith:** Yes.

**Commissioner Ron Eclavea:** That's not disqualified

**Commissioner Anthony Ada:** 0454-12 that involves (long pause) this is from Attorney Highsmith what I got is a copy of the decision of the judge my impression is that was for the millions of dollars with Judge Barcinas case.

**Attorney David Highsmith:** Wait, wait, wait. We fall all over ourselves on this. CV1124-09 is Judge Barcinas' case that's the one with millions of dollars that's the one up there in Dededo near the new hospital across from the Micronesia Mall.

**Commissioner Anthony Ada:** Okay he rendered a decision?

**Attorney David Highsmith:** yes.

**Commissioner Anthony Ada:** In his decision the AG was disqualified

**Attorney David Highsmith:** But the office can stay, 1124-09

**Commissioner Ron Eclavea:** That's the one with 13.9 million?

**Attorney David Highsmith:** Yes.

**Chairwoman Anita Orlino:** Is that the same one you emailed us regarding the status? A complete report.

**Commissioner Ronald Laguana:** A complete report and the judgments. I have a question Madam Chair, how we doing with the three suits did they drop that?

**Attorney David Highsmith:** That's one of the motions going to be heard sometime after the middle of September.

**Chairwoman Anita Orino:** That's just Ron right?

**Attorney David Highsmith:** No, it is you, Ron and Maria.

**Commissioner Ron Eclavea:** So CV1124-09 that's Barcinas?

**Attorney David Highsmith:** Yes. It was essentially the same motion it just show you judges don't always agree, Judge Sukola kicked the office out, Judges Barcinas and Judge Lamorena let the office stay so we will continue to fight those too.

**Commissioner Ron Eclavea:** But you said they are appealing one.

**Attorney David Highsmith:** I expect them to appeal the others.

**Commissioner Ron Eclavea:** Okay so what is the one they appealed right now?

**Attorney David Highsmith:** 0454-12

**Commissioner Ron Eclavea:** So you are expecting to appeal 254-09?

**Attorney David Highsmith:** They have to file for permission to appeal because it is not a final decision.

**Commissioner Anthony Ada:** You referred to 0454 as the probate case.

**Attorney David Highsmith:** I hope not, that would be a mistake.

**Commissioner Anthony Ada:** So it is not a probate.

**Attorney David Highsmith:** Those three are civil cases about title to land

**Commissioner Anthony Ada:** And then the 1235-12 was the entire office that was disqualified, the AG and the office?

**Attorney David Highsmith:** Yes.

**Commissioner Anthony Ada:** It is over at the Governor's office they are going to find.....

**Attorney David Highsmith:** They are going to find another lawyer and the new lawyer will be paid with Attorney General funds.

**Commissioner Anthony Ada:** And you are not sure where they are on that.

**Attorney David Highsmith:** All I know is they haven't hired anybody yet

**Commissioner Anthony Ada:** Okay. 1124-09 that's the one where the AG was disqualified but the office was not disqualified

**Attorney David Highsmith:** Yes.

**Commissioner Anthony Ada:** The reason why the AG was disqualified was because the judge, a probate judge and that is the one where Attorney Yanza was instructed to go prove that they owned the land and if they cannot prove it the land comes back to Ancestral Lands right? This is the same case where Governor Gutierrez and his wife come here to influence an outcome.

**Attorney David Highsmith:** They want that money to come out they want that money pretty bad. Just to throw this out this is completely up to the commission if you want to consider splitting that money.

**Commissioner Anthony Ada:** No!

**Attorney David Highsmith:** No.

**Commissioner Anthony Ada:** No!

**Attorney David Highsmith:** Okay.

**Commissioner Anthony Ada:** I mean we have to vote on it but I am not done with this because they purposely took this to a probate case and we really need to be clear about the AG office and the AG with regard to these cases I mean we cannot just hope that they won't do it but in the case of this big one 1124-09 Gutierrez appointed the AG to be a judge so you can't think that it is not right. Attorney Yanza was instructed by the Commission at the time to prove that they own the land but what came out in the transcript is Ancestral Lands just wanted to take it to you so you can agree and then you wrote the deed and bring it over here and we will sign. Why as smart as he is he takes it to a probate court, the probate is going to decide ownership there is something going on there.

**Attorney David Highsmith:** He wasn't the one who appeared before Judge Barrett-Anderson it was Joe Ranzano, I understand.

**Commissioner Anthony Ada:** They were all together when they came, the five of them got together and talked which one is going to talk to the judge but they all got the same voice. The point is, the question is, are you guys in the office because your boss has a different thinking and if so we need to find out now.

**Attorney David Highsmith:** I have not spoken to Judge Barrett-Anderson about this case in years I am not getting pressure from her, she is out of the case, she took herself out of the case a year ago even before these Judges ruled. I have not talked to her in a year, I am not feeling any pressure, I don't know anybody who is.

**Commissioner Anthony Ada:** This is taking a long time and now we are talking about nothing is going to happen until September again how come it keeps dragging on? Why can't we just get it in there and decide?

**Attorney David Highsmith:** Our judges are very cautious, very busy and I think a little intimidated and the other side is doing its best to drag it out, drag it out, drag it out.

**Commissioner Anthony Ada:** So you get my question right?

**Attorney David Highsmith:** Absolutely.

**Commissioner Anthony Ada:** If that is the case shouldn't we bring the judge in like the normally do bring them in from the CNMI and let them decide this case?

**Attorney Kristan Finney:** It is awfully late in the process to consider getting a different judge because these cases have been pending for a very long time.

**Attorney David Highsmith:** You can usually do that if the Judge was disqualified for some reason all the judges.

**Attorney Kristan Finney:** But to even ask at this point (inaudible)

**Commissioner Louisa Wessling:** Are you saying the chances are slim but it can still be asked it seems that there is a lot at stake here.

**Attorney David Highsmith:** You are right there is a lot at stake here.

**Commissioner Louisa Wessling:** Our job is to protect the trust and we have exhausted every possible way to do that

**Chairwoman Anita Orlino:** Okay Dave.

**Commissioner Anthony Ada:** No it is not okay but if you want to move on that's fine.

**Attorney David Highsmith:** Okay Benny Crawford, we took Benny's deposition this morning didn't learn a whole lot, he acknowledges that they don't own the airport land that was kind of mentioned in the beginning he wants monetary compensation for him and the other landowners we are talking about a lot of money I said 40 or 50 million in that memo I think (inaudible) I think the airport and we may be budding heads on this but I expect to go to trial on May 29<sup>th</sup> and I also expect there to be an appeal on this so you are looking at 3 more years.

**Commissioner Anthony Ada:** When you say Benny Crawford are you talking about just him or him and the Tiyan landowners

**Attorney David Highsmith:** Him and the Tiyan landowners.

**Commissioner Anthony Ada:** They are a dispossessed group of landowner's right?

**Attorney David Highsmith:** Yes.

**Commissioner Anthony Ada:** Okay. I did some looking up and Benny Crawford's family did not accept any money from the John Bohn case.

**Attorney David Highsmith:** He said today that they did

**Commissioner Anthony Ada:** It shows in the District Court option 3 when I asked what was option 3 I was told option 3 was opt out. They opted out.

**Commissioner Antonio Sablan:** But there was a settlement after that.

**Attorney David Highsmith:** Yeah there was a settlement after that his mother got 71,000 dollars back in 1992, 94.

**Commissioner Anthony Ada:** And that's the reason the Ancestral Lands Act was created they accepted money whether it is too much, not enough, they accepted it, that's a transaction.

**Attorney David Highsmith:** Yes.

**Commissioner Anthony Ada:** So the legislature thought of doing at the time, they agreed that the money that you got was not enough so we are going to create the Guam Ancestral Lands for two things: if the land was received back return it if, the land was not received back find a way to pay it which is 'dis'.

**Chairwoman Anita Orlino:** Excuse me Tony.

**Commissioner Ron Eclavea:** May I be excused I have a Doctor's appointment.

**Chairwoman Anita Orlino:** Commissioner Ron Eclavea is asking to be excused he has a Medical Appointment. Thank you, go on Commissioner Ada.

**Commissioner Anthony Ada:** The Tiyan landowners were taking cared of by the Tiyan Trust in the 24<sup>th</sup> Guam Legislature in the 25<sup>th</sup> the Ancestral Lands Act was created to take care of everybody else, the 26<sup>th</sup> the Tiyan Trust was foul ball by the legislature for one reason or another. If that trust was kept in place the Tiyan Landowner's would be very well of but something in the 26<sup>th</sup> happened to go in there and crash it. Benny was there all this time and I don't know how much conversation he had but he wasn't able to stop it or they were hoping that every individual can get their lot back and they can do whatever they want with it not everybody only that side where the carnival is at.

**Attorney David Highsmith:** Yeah.

**Commissioner Anthony Ada:** So when they dismantled the Tiyan Trust they became disposed landowners and now they have to qualify themselves for this they cannot do a class action suit

**Attorney David Highsmith:** I absolutely agree that is our legal position in a nutshell.

**Commissioner Anthony Ada:** I mean they accepted money I mean even if I sold you my car for a penny I cannot come back to you and say it is worth more than ten cents what are you going to tell me you are not going to give me nine cents we had a deal. This body, our job is to make it right and if they are going to come after us then I don't understand it. The way to compensate you was dismantled and now you come with the rest of us

**Commissioner Antonio Sablan:** Just for my purpose of making sure I understand what is flowing here: the 24<sup>th</sup> Guam Legislature set up the Tiyan Trust, in the meantime the airport is fighting that they are not going to pay because they are mandated by Federal rules and regulations, FAA, not to pay anybody. Then I understand Senator Pangelinan introduced a bill giving the Tiyan land trust, the claimants to that, all the crown land in the Harmon Cliffline.

**Commissioner Anthony Ada:** Anderson South and FAA.

**Commissioner Antonio Sablan:** It ended up that was ruled out by the court that they cannot take back land that is in the Ancestral Land Bank.

**Attorney David Highsmith:** Yes.

**Commissioner Antonio Sablan:** So therefore they are out of the Tiyan Trust, they dismantled the Tiyan Trust for the purposes of exchanging the land with the two lots that you mentioned Tony

**Commissioner Anthony Ada:** Yeah Anderson South 395 acres and 682 at FAA, 680 something.

**Commissioner Antonio Sablan:** And Anderson South was never given back to the government am I correct?

**Commissioner Anthony Ada:** The top part is Ancestral lands the bottom part is Chamorro land Trust.

**Commissioner Antonio Sablan:** Anyways they were dispossessed because the airport would not pay them then the judge shut down the land bank land going to them because it would leave everybody else who has not received their land why treat them as a special case and leave everybody else landowners of the military bases on Guam and not to get anything. Really the purpose of the land bank is a token compensation for land that has been stolen by the United States government

**Commissioner Anthony Ada:** And the FAA part of it is they cannot use federal funds to compensate the landowners but GEDA was suppose to develop the property into some type of industrial like what they are doing on this side of East Sunset and then that becomes local money that becomes rental from Triple B Freight Forwarders, DHL, all those that's local money they can use that and put that into the trust that was the idea.

**Commissioner Antonio Sablan:** So once they shut that away and the judge gave a ruling on the land it puts them right in line with us, Ancestral Land Bank claimant that's my understanding of the whole matter am I correct?

**Attorney David Highsmith:** That is absolutely correct.

**Chairwoman Anita Orlino:** Dave can you email the status to us the commission members so that they will know and thank you for your presentation today, I will be waiting for that maybe you can email it to Karen and she will email it to us. Thank you because that is really important that we know what is happening.

#### **IV. New Business**

##### **A. Bryan Ha/David Duenas-License to one acre in the former occupied area of Balli Steel**

**Chairwoman Anita Orlino:** Moving on to new business Bryan Ha/David Duenas-License to one acre in the former occupied area of Balli Steel and we have that letter before us and I believe Mr. Ha and Mr. Duenas is here today. State your name for the record.

**Mr. David Duenas:** Hafa adai my name is Dave Duenas.

**Commissioner Antonio Sablan:** Did you say Duenas?

**Mr. David Duenas:** Yes sir.

**Mr. Bryan Ha:** Bryan Ha my friend is here to help me with paper work.

**Chairwoman Anita Orlino:** Go ahead with your presentation.

**Mr. David Duenas:** Thank you Madam Chair and Board members I am not sure if you are in receipt of the written proposal regards to this issue.

**Commissioner Louisa Wessling:** The letter?

**Mr. David Duenas:** Yes the letter of request it pretty much stipulates securing a piece of property formerly used by the Balli Steel area I believe it consist of five acres in total we are interested in one acre for the purpose of scrap metal staging facility. Scrap metal has reached the volume outgoing ship. We are looking for a license year by year, on a yearly basis, I did have a question for Mr. Camacho an approximate rate, I was given a figure by Mr. Mendiola, from GEDA, and he stipulated a 1,000 per acre per lot I am not sure that is accurate would like to clarify that as well. The property in question, if you had not visited the property lately Commissioners, it has tons of debris left over from the previous tenants, mountain of tires, assortment of metals, plastics it is just a mess. Mr. Bryan Ha should he obtain this one year lease for the one acre renewable every year is willing to clear the debris from the property for the remaining area I think that is a very nice proposal on his part this would allow the Ancestral Lands Commission to rent out the other remaining four acres that will consist of the entire five acres. Being that the vast majority of the debris is tires, lots and lots of tires, he has access to a tire shredder that he can bring on site and alleviate that problem as well. With the cleaning of the property, should the board accept the proposal, the cost associated with cleaning, we are hoping that would be levied against the rental fee assessed for the one acre property that we are seeking a license for. Should you have any question I will be happy to entertain them. I did have pictures ready to submit unfortunately there was a power outage in my area so I wasn't able to download them which would show you very clearly the type of debris that is still there and it is extensive. To be honest it is a lot, it is going to take quite a while approximately how long if they were to agree to the cleaning of the property and offsetting the cost towards the rent how long would it take?

**Mr. Bryan Ha:** I have to check it out inside so many different place right now there is a fence with container I looked over and there are old tires and junk there but ten containers (inaudible) but I cannot really I need to take more time some are left inside the small concrete storage there and next too and behind there are a lot of tires too.

**Mr. David Duenas:** There is tires and forty foot containers, tires just out in the open a miniature mountain of tires the only stipulation Mr. Ha request is to give him ample time should this be something the board would entertain in cleaning the area would be a win-win situation in getting rid of the debris and allow the board to seek other tenants for the remaining property.

**Chairwoman Anita Orlino:** Commissioner Laguana?

**Commissioner Ronald Laguana:** I will go after Tony.

**Chairwoman Anita Orino:** Commissioner Ada go ahead.

**Commissioner Anthony Ada:** Balli Steel that was their idea to bring the scrap metal, the abandoned cars the mistake Balli Steel made was that when they were picking it up from the village, I don't know if it was by permission by the mayor or not, people would (inaudible) abandon car and they would throw baby car seat, air conditioner, they throw everything in the car. So Balli Steel instead of going there to pick up the steel you cannot have this, you cannot put this in, instead they just take it. So when they got down to the property they took all that stuff and they throw it in a pile. From the very beginning we talked to GEDA about it, the car tires is not metal and that is why that thing piled up. So tell me are you guys going to be taking cars there.

**Mr. David Duenas:** My understanding, and Bryan can elaborate on it, heavy metal.

**Commissioner Anthony Ada:** Heavy metal means what?

**Mr. David Duenas:** Means cars.

**Mr. Bryan Ha:** I don't think about it but mostly heavy equipment (inaudible) and H-beem.

**Commissioner Anthony Ada:** Is it going to be sterilized before you bring it there or are you going to sterilize it over there.

**Commissioner Anthony Ada:** There are car batteries, oil, transmission fluid that is the problem Balli Steel had, I think that is the nature of the business right?

**Mr. David Duenas:** What he is proposing is strickly heavy metal and a staging area.

**Commissioner Anthony Ada:** Heavy metals meaning what?

**Mr. David Duenas:** Metal beams and what are heavy metals?

**Mr. Bryan Ha:** That is like heavy equipment mostly and some H-Beam mostly like that.

**Mr. David Duenas:** I can see the issue with the cars, people will do that and then you got your fluids that you got to be concern about it is an EPA matter, I have already spoken to EPA and we do in fact have to get a heavy metal storage permit from EPA (inaudible).

**Commissioner Anthony Ada:** That is going to be right off from the first day we are going to ask GEDA, because GEDA is the property manager, to make sure this does not happen again. I guarantee you that you will bring metal there and I guarantee you somebody is going to say "we don't like that" and then what are you going to do with it you going to take it back and where are you going to take it back to, what are going to do with it. Even the stuff that is there where are you going to take that? Do you have an idea where you can take that?

**Mr. David Duenas:** The debris that is there now? He has a partner where he can obtain a tire shredder and if are approved on this thing we can station the tire shredder there it reduces the volume tremendously.

**Commissioner Anthony Ada:** But there is more than tire there Mr. Ha, there is more than tire there Mr. Duenas. I am happy you are going to do this but how are you going to do this, you don't have to answer right now because like you said it has been a long time since we have been down there

**Chairwoman Anita Orlino:** We are going to do a site visit.

**Commissioner Anthony Ada:** Then we need to find out there is a floor fan where you going to take that?

**Mr. David Duenas:** Basically his question is, the debris you are proposing to clean, to offset the cost associated to the rent, where are you going to take those?

**Mr. Bryan Ha:** I check it that is my idea, 500, 200 tires cut and grind maybe I will clean the container.

**Commissioner Anthony Ada:** There is more than tires down there.

**Mr. David Duenas:** What are you going to do with the other debris?

**Commissioner Anthony Ada:** The other thing, you talked to Mr. Mendiola from GEDA?

**Mr. David Duenas:** Yes.

**Commissioner Anthony Ada:** And he said the going rate is \$1,000 per acre?

**Mr. David Duenas:** Yes and I have the email that stipulates that. Upon talking to the Director and Deputy Director he said that might not be accurate I said that was fine we will let the board decide.

**Commissioner Anthony Ada:** We need GEDA to come and recommend that right? But as far as compensation like before we had a tenant called Matson, I think Matson is paying \$30 per square meter. One acre is equivalent to 4,047 square meters, divide 1,000 by 4047 that is only about .25 cents per square meter.

**Mr. David Duenas:** that sounds about right from what Diego told me.

**Commissioner Anthony Ada:** So what you are proposing is that you get it for .25 cents a square meter the going rate is whatever the current tenant is paying there which is about 30, that means that 29.75 is the off set because you are getting it at .25 cents a square meter to clean that place that is what you are talking about? or you want less, you want it to go down to .10cents?

**Mr. David Duenas:** The figure in itself is not a figure we came up with.

**Commissioner Anthony Ada:** You have a question.....

**Mr. David Duenas:** When Mr. Ha visited the property he was only interested in the one acre property the rest of the four acres has all the debris sprawled around the property he said hey! I can help them clean that up of course at a cost and I said maybe the cost can be offset toward the rental fee is which is something I would personally consider if I was a board member.

**Chairwoman Anita Orlino:** Have guys visited he place?

**Mr. David Duenas & Mr. Bryan Ha:** Yes.

**Chairwoman Anita Orlino:** I hope you don't take all the debris and put it in acre.

**Mr. David Duenas & Mr. Bryan Ha:** No.

**Chairwoman Anita Orlino:** Deputy Director?

**Deputy Director David Camacho:** The property in front is almost clear.

**Chairwoman Anita Orlino:** The one they are looking at?

**Deputy Director David Camacho:** Yeah there is minimal debris there the tires are in the back side clearing the property we need to talk to GEDA first because I think we are still going back to our previous leasee or licensee of the property about what they are going to do, that's one obstacle as far as the payment is concern I told Mr. Duenas it's going to be based on the appraisal value of the property that's one acre and that is how we usually get our payment and we have to get with GEDA I know Mr. Mendiola talked to me about it and I said we have to clear it with GEDA in front of the board.

**Chairwoman Anita Orlino:** That sounds good, Commissioner Sablan?

**Commissioner Antonio Sablan:** I need to clarify based on the follow up question Commissioner Ada had here is that you are saying you are going to pay a \$1,000 dollars a month and you are going to offset the clean up so that means if you clean up for a \$1,00 dollars this month so you pay us nothing.

**Mr. David Duenas:** Correct. But that \$1,000 was given to me by .....

**Commissioner Antonio Sablan:** I understand and that was my next topic, have you estimated how much it would cost to clean the place up? Total?

**Mr. Bryan Ha:** I cannot say anything.

**Commissioner Antonio Sablan:** We might give you a twenty year lease and not pay us a penny

**Mr. Bryan Ha:** There is a lot of jungle now all over. Actually I am asking to rent one acre only when I went to look at it that was my second idea my plan is my friend has a tire shredder machine I can rent from him

**Commissioner Antonio Sablan:** You shred the tires but you are not saying if you are going to sale them or doing something but you are not saying you are going to keep it and we are still stuck with it.

**Mr. Bryan Ha:** I understand. I really don't have an idea yet I know ther is a company on Guam that shreds it and selling it to some country, I need to find out.

**Chairwoman Anita Orlino:** So you don't have a plan yet.

(inaudible)

**Mr. David Duenas:** It can be modified and worked on.

**Commissioner Antonio Sablan:** Other things coming to mind if I am to approve this and if this was my land I would have you deposit something like \$50,000 dollars in a trust or escrow that you would guarantee that at the end of your lease that you would guarantee that the place is clean and not leave us like Balli Steel did that is one, number two, madam Chair I would like to suggest, and Louisa I am sure you will back me up on this, am in real estate rental and I have half acre lot renting in Yigo, Toto, Chalan Pago and I am leasing out residential half acre lot for \$650.00 a month I would like to split the half acre Madam chair so I could lease it out for \$650.00 a month, you know this is an outrageous ridiculous low price! Gentlemen it is a business commercial zoned M-1 I am sure and it should be worth in the thousands of dollars every month.

**Mr. David Duenas:** Again the figure.....

**Commissioner Antonio Sablan:** Where does GEDA get this figure? What are we doing being represented by a bunch of nimkumpoops.

**Deputy Director David Camacho:** And that is why we are saying we should base it on appraisal value. What we are doing now is any license we are going to base ourselves on appraisals (inaudible)

**Commissioner Antonio Sablan:** We need to do that.

**Commissioner Ronald Laguana:** I agree Madam Chair with Mr. Sablan. Mr. Ha and Mr. Duenas I suggest you do mitigation cleanup plan give to us in black and white in writing tell us how you are going to deal with that matter.

**Mr. David Duenas:** That is only contingent upon approval of this proposal if not it is a moot issue and all that we are interested in from the beginning is the one acre.

**Commissioner Ronald Laguana:** That is the give and take.

**Mr. David Duenas:** When he saw all the debris he thought he had the capability of cleaning that do you think they might be interested in this proposal of cleaning it give us a reasonable time to do it and the cost associated with it, and there is going to be a cost, I don't believe that the intent was to clean and leave it in a different pile it is to actually get it off the property, onto a ship to a country buying those types of products that way we recover some of our cost and at the same time there is a cost associated but it is strictly a proposal not if the board is thinking that is something they are willing to entertain then definitely we are interested in the one acre for staging for scrap metals minus batteries, minus plastics, at the same time we could bring in a tire shredder shred it up which would reduce the volume and get it out of there. Again strictly up to the board if that is something you are not interested put it off the table don't even have it in your mind.

**Commissioner Anthony Ada:** For me personally that is a very good plan but I want to understand more the tires we know Singleport takes tires all the time but the other stuff.

**Mr. David Duenas:** Good question. I am speaking to obtain this for Mr. Ha he is here to answer questions that I am not able to. We know about the rubber what about the other debris? Plastics, wood products? Commissioner Laguana that was a good question to come up with a plan a proposal if they are willing to entertain it if not it is off the table focus on the one year what is a fair market value , the \$1,000 was given to me by Mr. Mendiola from GEDA, of course it sparked his interest I am acceptable to that knowing all along I told him myself don't set it in your head that is going to be the actual price it could change especially after speaking to Director Camacho I knew that coming into this board meeting. I don't know what the final figure is going to come out too and when you guys decide let us know and if is acceptable to Mr. Ha we will agree to the one year lease renewable every year or after two years the board says we don't want to continue that is the discretion of the board. Again a lot of the questions were geared toward the disposal.

**Commissioner Ronald Laguana:** You know Mr. Duenas that is all we are asking, that is prime property that is the main key to that staging area, convenience, right straight to the port. If you do your research and find out all those items and do a breakdown of the cost, what are those items because I don't think that is that hard get it down and what it is going to cost you guys, what are you going to do with it because I am also an environmentalist. We want to make sure this stuff is not just going down the street where our other properties are at just keep it simple if it is comparable we are willing to give and take but we have nothing right now just a little letter saying 'offset and a \$1,000'. I have seen those containers there

(inaudible)

**Mr. David Duenas:** You should do a walkthrough of the property you would be amazed. Again this is strictly one fourth of this property the main focus was to obtain a one year lease for that one acre seeing all the debris in his visit he thought 'I could tackle that' if you are willing to entertain him and of course coming into this meeting I knew there was going to be questions, great questions, you want us now to answer them and if we are not willing to go that rout with the offset of the cost getting rid and who is going to be the receivership of this debris take it off the table and let GEDA handle it with the prior tenant.

**Commissioner Anthony Ada:** Mr. Duenas you keep mentioning lease we are talking about license.

**Mr. David Duenas:** Yes license.

**Commissioner Anthony Ada:** It is a good idea it is just..... can you do it because Balli Steel couldn't do it, they didn't know where to take that stuff they just walked away. It is a good proposition.

**Mr. David Duenas:** The concept Mr. Ha had was heavy metal when he told me that originally I did not envision cars and if so, and if you are not aware, local recycling companies Global, Pyramid, if you take a junk vehicle now a days before they would pay you for it now they want you to pay plus they want you to take off the chairs, the bumper, they just want the metal so it would be incumbent upon Mr. Ha or any other company who wants to venture into this kind of business, if you want to use this area as a staging area make it for heavy metal save you a lot of problems because if you want to accept vehicles you going to end up like Balli Steel people throwing every other kind of debris inside the car.

**Commissioner Anthony Ada:** Is heavy metal a real term?

**Mr. David Duenas:** He said beams.

**Commissioner Anthony Ada:** How about we call it "only metal".

**Mr. David Duenas:** That is how I presented it to Conchita at EPA we were going to look eventually should we obtain this one year license to get a heavy metal storage permit no batteries, no plastics, no wood.

**Commissioner Anthony Ada:** So you are going to accumulate this the metal to fill a container and then send it?

**Mr. Bryan Ha:** Yeah that way mostly two (inaudible).

**Commissioner Anthony Ada:** Mr. Ha, BH means Bryan Ha?

**Mr. Bryan Ha:** Yes.

**Commissioner Anthony Ada:** Are you doing heavy metal now?

**Mr. Bryan Ha:** No I am not doing that I am into crane rental.

**Mr. David Duenas:** We are obtaining a new business license just for this purpose it is going to be called Delco Guam.

**Chairwoman Anita Orlino:** What I think is after all this is good because we need to license out our property to earn money for our disposed landowners but I think I would request you guys put a plan together because we learned from our previous tenant and we didn't ask them for a deposit and now we are very strict we are going to require you to put a deposit in case you run away I am not saying you will, now look what happen to us we are still hunting them down to be honest with you it is a small island but we can't find them.

**Mr. David Duenas:** I actually heard about that.

**Chairwoman Anita Orlino:** We want you to go in there occupy the property, leave and clean up not like this other tenant that ran away, so in that way we are looking at a deposit, a security deposit, so in that way you don't clean we will use that money to clean we should have done that from the onset and we failed and we learned.

**Mr. David Duenas:** This proposal you want us to put together is for the remaining debris.....

**Chairwoman Anita Orlino:** A timeline as to how long it is going to take you to clear this debris and what are you going to do we want to make sure you don't take the baby car seat further down because you want to clear your one acre we make mistakes and we learn, we are not going to let it happen again we will require a deposit.

**Mr. David Duenas:** Do you have a ball park figure of that?

**Chairwoman Anita Orlino:** No. Put a ball park figure in your plan determined on what your

usage of the property.

**Commissioner Anthony Ada:** I think because GEDA is our property manager we are going to ask them those kinds of questions and the other thing just because you have a license it doesn't mean we will stop chasing Balli Steel because they still owe something for me that better not be a delay you guys can't go in there right away so whatever is going on with Balli Steel and GEDA is different from you guys and GEDA they are not attached to each other.

**Chairwoman Anita Orlino:** We are just telling you ahead of time so you will know.

**Commissioner Antonio Sablan:** Give us an idea how much it is going to cost you to clean the place.

**Mr. Bryan Ha:** I have the time to check it out. Actually I heard Guam Tire pay \$4.00 per tire. After shredding we put them on the container I don't know yet if we are going to pay or they going to pay we don't know yet I need to find out some more.

**Chairwoman Anita Orlino:** We are not saying we don't want you to occupy because that is our job we need those places to be occupied but we need to know too.

**Mr. David Duenas:** Madam Chair if I could get clarification because I am the one that will draft the proposal based on the research of the cost what I need clarification on is one the one acre we are asking for second is the proposal if you would be interested in his company cleaning the area, they are separate issues, one is the licensing of the one acre which the first number one intent upon going to the property and seeing the debris he thought "well I can get rid of that" then good questions came up where is it going? Back on island or who is going to be the receivership, for clarification for me to move forward in an expeditiously manner is one is separate from the other we would like to keep it that way to move forward in obtaining this license on a yearly basis not forgetting about the proposal for cleaning the remaining debris as separate issues.

**Commissioner Ronald Laguana:** If we see your plan and we do agree you will do the other four acres we will probably consider another plan

**Chairwoman Anita Orlino:** If it is going to offset your monthly

**Mr. David Duenas:** That is what I came up with.

**Chairwoman Anita Orlino:** That is what I need to know

**Mr. David Duenas:** Mr. Ha you are going to incur a lot of cost, labor, material, equipment to clean all that and I think that would be a good proposal for the Ancestral Lands a win-win situation, we clean it what do you have in the end the remaining lot the four acres again that you can lease out. Right now the way it is no one is going to take on that property who is going to want to lease it when hey! Ancestral Lands Commission I want to clean it first you are going to wind up back at square one, property that is unleaseable, unlicensable, whereas, again I don't want to get the two confused the one acre that was his main goal the other one is a separate proposal. We will deal with them as two different proposals.

**Commissioner Ronald Laguana:** But that is what Balli Steel said they want to rent like that but then they star extending too.

**Mr. David Duenas:** The only thing I can say about that is I am not Balli Steel if I get my fingers in this thing it aint going to be because I am not going to put myself

**Chairwoman Anita Orlino:** Let us say it took you one year to clean up you are going to offset that, what? One year to clean so one year of none payment right?

**Mr. David Duenas:** He would have to say how long this would have to take.

**Deputy Director David Camacho:** Madam Chair why can't we discuss first the request for license and the cleanup we can deal with later on.

**Chairwoman Anita Orlino:** I don't want them to be surprised

(inaudible-too many speaking at the same time).

**Commissioner Antonio Sablan:** It is important for them to know how much it is going to cost them to clean it

(inaudible-too many speaking at the same time).

**Mr. David Duenas:** We will do the research on the cost and the same time I suggest to the board that if you haven't seen the property recently please go down.

**Chairwoman Anita Orlino:** We will do a site visit.

**Deputy Director David Camacho:** We have been there.

**Chairwoman Anita Orlino:** So maybe we can expect something next month.

(inaudible-too many speaking at the same time).

**Mr. David Duenas:** What Diego relayed to me was not a true figure it was just a ball park figure. And once they do that they will come back and let me know the price is not that, it is this, are you still willing to obtain the license for the year

**Chairwoman Anita Orlino:** We will give you Two weeks to submit your .....we can hear from you

**Mr. David Duenas:** Two weeks..... what?

**Chairwoman Anita Orlino:** To turn in your plan.

**Commissioner Anthony Ada:** We want to give him the license at the right price right?

**Chairwoman Anita Orlino:** Yes.

**Commissioner Anthony Ada:** So that is the question now right.

**Chairwoman Anita Orlino:** that is his question right now.

**Commissioner Antonio Sablan:** I think what I am hearing from the board is we want a win-win approach

**Mr. David Duenas:** Yes.

**Commissioner Antonio Sablan:** And we definitely need to know what the cost is and what your cost will be for the usage of prime land, you know you are going to make money in the process in the meantime we don't want to give it away that is why if you could give an assessment within the two weeks as Madam Chair has said give us a letter or some kind of proposal so we can start considering it and probably put it on our agenda for the next meeting.

**Mr. David Duenas:** And as Director Camacho said the cleaning in that assessment not to delay the consideration of the license that I am totally agreed upon.

**Commissioner Antonio Sablan:** If I was to consider giving you a license myself I would also consider the global picture what are you going to do with the cleanup, what's it's going to cost me versus my profit.

**Commissioner Anthony Ada:** But we can do the license at the right price and then you can say oh by the way I have a tire shredder you can hire me to take the tires.

**Mr. David Duenas:** That problem is definitely there, you can say that upon this monthly fee of the fair market value of the property for the one acre per Mr. Ha's agreement we will sign on the dotted line as far as the tires are concerned if the board says we want to tackle that issue too can you bring your tire shredder of course we will bring it but there is a cost associated with that and it is up to the board to offset or are you going to pay?

**Commissioner Anthony Ada:** You can offset in the way that you are paying for the property and you guys are cleaning up you invoice and we pay you, just so one doesn't slow down the other.

**Mr. David Duenas** I thank the board.

**Commissioner Anthony Ada:** We will ask GEDA, Diego to give the numbers the right way, update the numbers.

**Mr. David Duenas** The questions the board had were really good questions and we need to come up with the answers, it enlighten me a little bit I was just thinking about

**Commissioner Anthony Ada:** Are you guys into heavy metal?

**Mr. David Duenas:** No but the board knows I am an environmentalist as well.

**Chairwoman Anita Orlino:** Okay so we can hear from you in two weeks?

**Mr. David Duenas:** Sure.

**Chairwoman Anita Orlino:** Thank you.

**Commissioner Anthony Ada:** You will hear from them or GEDA?

**Chairwoman Anita Orlino:** From GEDA and them, both.

**Mr. David Duenas:** I guess we are going to have to wait from GEDA because we don't know what the cost is going to be for the one acre. We don't have a clue at this point now, a thousand is a good starting point but we don't know what the actual figure is going to be

**Deputy Director David Camacho:** It is up to the board to decide the amount not GEDA.

**Chairwoman Anita Orlino:** They could tell you how much.

**Mr. David Duenas:** I was just curious.

(inaudible-too many speaking at the same time).

#### **IV. Public Comments**

**Chairwoman Anita Orlino:** We will go into public Comments before Administrative Matters. Please state your name for the record.

**Mr. Ricardo Cruz:** My name is Ricardo Cruz I am here relating to the matter of the estate of Juan LG Perez, area 7, formerly known as the Radio Barrigada, Parcel 2449.

**Commissioner Antonio Sablan:** Who are the owners?

**Mr. Ricardo Cruz:** Juan LG Perez and Jesus LG Perez.

**Commissioner Anthony Ada:** Your parents?

**Mr. Ricardo Cruz:** Grandparents and granduncle. I want to use Mr. Sablan's expression of being dumbfounded because since I have been verbally (inaudible – the word is not clear), the chair (inaudible – the word is not clear), for my grandfathers property on account being that my brother is deceased who was the administrator for the estate. I have all the documents for the parcel of land I have been looking through it back and forth, up and down, whichever and the documents which were provided concerning the release of the property which is the Affidavit of True Consideration attached to it is the Quick Claim Deed, the recitals. Now on this document every paragraph has been dictated the government will not allow landlocked after releasing this to landowners. I am dumbfounded because I cannot understand why we cannot move forward from 2011 to this date when it was returned to the original landowners and since then a year later we have identified a surveyor by the name of Mr. Frank Castro by the way I have discussed this matter with the Deputy Director, Mr. Camacho, and he is fully briefed on my feelings and my misunderstanding of this document but I have made it a bible to me relating to the land because it dictates the procedures and the process of this land to be released, we have not seen any changes. I am here to clarify why am I landlocked when after all there was a recognized surveyor and after finding out he had in fact produced a master plan for access to all these properties mind you and my gathering and I stand on my word as far as what I received from the surveyor that we cannot move forward because some of the landowners decline in providing easement but again I raise to you the law that says no landlocked. And when does the government, this Committee come in and not enforce this to where I get my property back from the government I need some

consolation, I need some understanding because my question to Mr. Camacho when I first meet him was I hope I won't be needing a master's degree to interpret this law.

**Commissioner Anthony Ada:** Mr. Cruz you got the land but you cannot get to it.

**Mr. Ricardo Cruz:** Exactly. But there was a movement that was blocked because of the landowners refusing to give easement and it has been five years since the land was surveyed and in as much as I am frustrated with the response from the survey and the Commission, the Ancestral Lands I don't understand why there is confusion as to why we are not moving forward because again the law of the land says the surveyor will be recognized by the Commission and the surveyor will produce a proposal and the surveyor attempted to get a land recordation but was informed that we cannot move forward on account of like I said repeatedly, landowners don't want to give access. Where do we stand now? I have been in contact with Director Camacho and we agreed the surveyor, myself and himself will come up with a date to move this issue forward. I am sorry that maybe I did not give the Director ample time to set up that meeting, Mr. Director I apologize to you Directly for not giving you that opportunity and time frame that you needed because it was stated in the meeting that it was not only my side, Juan LG Perez, but the other landowners, the other landowners would be contacted for the meeting and have their input as well on this and maybe to emphasize the instruction on this law right here this black and white, again I apologize directly sir but I am confused, when do I get my property back?

**Chairwoman Anita Orlino:** Deputy Director did they do a master plan on that?

**Deputy Director David Camacho:** We are in the final stage of a master plan, we just discussed this last week, I told you I would communicate with your surveyor, Frank Castro, in which I did, I gave him a copy of a plan, and I am trying to set up a meeting with six or seven families at one time not only you, the families involved on the easement. With Karen we are putting a list of all those property owners that are adjacent to you all the way down to route 15, call them in, set a time and date, invite you guys to sit down and once and for all discuss the issue and not on a one on one basis, have a meeting and pin point the easement which have been identified and which I showed to you guys as a matter of fact I have Jimmy from survey division, who is the one doing it, he has a copy of the master plan, as a matter of fact I provided Frank Castro a copy of the map and I did inform him that we started communications with the other families to set a time and date when we are going to sit down and there are several things we are going to discuss on this not using the public law we could use the Grant of Easement and I am very sure these families will agree with what we have to say.

**Commissioner Ronald Laguana:** Madam Chair I think we should get our Attorney to work on that just send these families a letter and demand that they meet.

**Deputy Director David Camacho:** We don't have to do that right now we are identifying the families the property was released to.

**Commissioner Ronald Laguana:** They are hesitant right?

**Deputy Director David Camacho:** The information that we received is what happened in the past I wasn't even on board. What happened in the past where some of the property owners don't want (inaudible-too many speaking at the same time).....that is what the surveyor is telling them, but now we have an easement coming from route 15. We have identified an

easement, it has been recorded it is there now and if we sit down with the property owners I am pretty sure they will sign the grant of easement right away.

**Chairwoman Anita Orlino:** Is my property one of them? I will give them access.

**Commissioner Ronald Laguana:** Are you sure because when it comes to land nobody wants to give land.

**Deputy Director David Camacho:** What causes this there is property owners that don't want to give land, there is a law that in order for you to do a subdivision on your property you shall not landlock.

**Mr. Ricardo Cruz:** Quoted in this law verbatim.

**Commissioner Antonio Sablan:** is that the law Mr. Cruz that you are holding in your hand?

**Mr. Ricardo Cruz:** It is the deed

**Commissioner Antonio Sablan:** But that is not the deed to the other party.

**Deputy Director David Camacho:** That is one thing we make sure that all the deed have that stipulation. We did way back before we release the property they provide a forty foot easement plus the other property that we just recorded, approve and recorded, the survey division will not approve the map unless the easement is there. If the easement is there the map is approved and recorded, so we connected the easement from route 15 all the way up to their property all the properties that are involved have an easement now.

**Commissioner Louisa Wessling:** But that can only be enforced if the families go forward to have the maps done, if the inclusion gives the property but the families do nothing to have it mapped they are not obligated to give access right?

**Chairwoman Anita Orlino:** After subdivision?

**Commissioner Louisa Wessling:** No I am talking about prior to subdivision

**Commissioner Ronald Laguana:** That is why I am saying to effectuate immediate action have our Attorney send letters to all these families that are involved and site that, there is no question about it that have to meet on that day, that is the only way because they don't want to give no matter what you say, today they say yah, yah, yah but the next day they say no, no, no. I think a letter of neutrality from our Attorney indicate the signing, look at you deed send it out.

**Deputy Director David Camacho:** For your information there is only one family, you guys are the one who got them to sign a forty foot easement before you released the property.

**Commissioner Ronald Laguana:** So when is the meeting?

**Deputy Director David Camacho:** We are trying to communicate with the property owner.

**Commissioner Ronald Laguana:** How soon can we get that?

**Karen Charfauros:** The list is almost done, I couldn't help Joey because I had to prepare for today's meeting.

**Commissioner Ronald Laguana:** So by Friday?

**Karen Charfauros:** Yeah.

**Commissioner Louisa Wessling:** Is this for all the 300 property owners?

**Deputy Director David Camacho:** Just Area 7.

**Commissioner Anthony Ada:** Is that closer to Kinney's Café area?

(not sure who spoke): Yes.

**Mr. Ricardo Cruz:** No sir. To give you a better picture going from Barrigada going to the Naval Base that would have been the closest area in relation to a geographical location. Right now Commissioner Ada our direction by foot is by Kinney's café where the parachuters jump

**Commissioner Anthony Ada:** Your property of it is a part of the golf course?

**Mr. Ricardo Cruz:** Yes sir.

**Chairwoman Anita Orlino:** What did you say Commissioner Ada the back yard is the golf course?

**Commissioner Anthony Ada:** I am looking at it and about one third of the property the Navy is still holding.

**Chairwoman Anita Orlino:** Yeah because the Navy is still holding our land.

**Mr. Ricardo Cruz:** The last thing I want to voice and air out of my system is the Commissioners have stated there are going to be some landowners that are going to be reluctant and disagree with the idea of providing access but and referring to this all the grantee are subjected to this so to speak bible and that is why I hold it close to me and I read it day and night I have a single line and a double line.

**Commissioner Ronald Laguana:** Mr. Cruz when we sign the deed we tell them that during the hearings we say you need to make sure you allow that.

**Mr. Ricardo Cruz:** There shouldn't be any reluctancy please ask them to bring their document to the meeting, there shouldn't be no question unless I misinterpret it. Chairwoman, I am reluctant to register at UOG to get a master degree at my age I don't need any more degrees and I don't feel like I have to ask the United States Marine Corp to give me access and push my way into the property so I plead with the board, please it has been taken so long. Again to reiterate the original administrator passed on, I am not going to pass away I hope not, my grandchildren are going to see this.

**Chairwoman Anita Orlino:** You heard it is progress they just need to contact the other landowners and everything should be in order.

**Commissioner Anthony Ada:** You are retired military?

**Mr. Ricardo Cruz:** Yes sir.

**Commissioner Anthony Ada:** Look at for example Anderson Air Force Base the Castro own property there, they can pass through the base to get to their property maybe you can ask the Navy, for the time being, to pass through the golf course to get to your property at least for now. You want something secure, in our generation when we talk that's it but now a days you have to have it on paper.

**Unidentified woman:** They won't approve the map unless you have an easement, you can't do that, they are doing that now they are passing through the golf course going to the property now, without permission, we need a map and we need an easement.

**Commissioner Anthony Ada:** Route 15 is the closer side

**Unidentified woman:** We need your lawyer to write that letter

**Commissioner Anthony Ada:** How many properties do you have to go through, I see two here.

**Mr. Ricardo Cruz:** The Deputy Director can answer that.

**Deputy Director David Camacho:** What?

**Commissioner Anthony Ada:** How many families need to be called in?

**(someone):** seven.

**(inaudible)**

**Unidentified woman:** You want to see a map? We have an original map and the survey map And all the people that are the boundaries all their names are there.

**(Several discussions among themselves)**

**Commissioner Ronald Laguana:** Thank you Mr. Cruz for bringing this to our attention and to include the map once we deed it out and reminded to agree on that easement.

**Commissioner Antonio Sablan:** Mr. Camacho will be in contact with the other landowners and get a meeting together because I am worried about that deed saying a guarantee of easement, they can give you an easement over here but you need an easement on this side, it doesn't mean anything you need a surveyor to draft something that says this is where we are going to go

**(inaudible)**

**Mr. Ricardo Cruz:** I thank each and every one of you to express and get some relief of my chest.

## **VI. Administrative Matters**

### **A. Erik Wessling-Investments of the land bank fund**

**Mr. Erik Wessling:** Thank you very much for this opportunity and putting me on the agenda, my name is Erik Wessling and I am from Asia Pacific Financial Management Group, I am a Financial Advisor with fifteen years of experience. I am here to discuss the investments of the land bank fund and how our firm can be of service to you. There are four important steps that you want to take away from this presentation it be this: The Raymond James advantage combined with the Raymond James formula for success, the Raymond James market strategy Commentary and the Raymond James Fiduciary Protection. There is a couple things to discuss as Asia Pacific Financial Management Group. First of all we are a local company we have been established since 1988 and we have been incorporated since 1993, we are not going to go through all 97 pages sent to you by email this will be a lot more of a summary.

What is the advantage of Asia Pacific Financial Management Group; first of all we are the leading provider for expert investment advise, we are registered investment advisors we are constant being audited to adhere to the best practices. The industry is always changing not only with the REA but with the SEC. we are a full service brokerage dealer regulated by FINRA which is the Financial Industry Regulatory Authority, we have the largest number of Financial Advisor team on Guam we have fifteen and also proud of pioneering 403(b) it is similar to the 401(k) but there is catered toward the department of education teachers and faculty one of our biggest clients is dealing with professors and the faculty and staff of the University of Guam, one of our other clients is the Guam Community College and also the department of education as well. We are very proud that we pioneered the 403(b).

So what is the Raymond James Advantage understands the importance of your clients and obligations. We take an objective unbiased approach and specifically cater to what your investment needs are, each investment strategy is taken into consideration fiduciary standard and is backed by the philosophies of a conservative management. Raymond James recently became a part of the fortune 500. We have close to a half a trillion in assets with 27 locations worldwide and we are very proud to say that we have delivered 112 consecutive quarters in profit while other firms had bailouts or posted negative returns back in 2007 and 2008 because of our conservative mindset and methodologies we were able to constantly produce profits. What separates us from other firms is Asia Pacific can partner up with whomever we want to partner up with, we want to partner up with the best out there while some other financial firms on Guam can only use up resources that is within their umbrella so if you wanted to use some institutional management you can only use what they have. Not only can we use Raymond James but we could use other companies like SEI, Russell Investments just to name a few our resources that we can use and present to the board it is unlimited as far as what we can do, we chose Raymond James because we have a working relationship with Raymond James we had success using their institutional platform because they deal with foundations, endowments, family offices, pensions just to name a few.

Raymond James on top of that not only provides investments on the institutional side but if you want to establish an IPS, Investment Policy Statement, we could do that. We will talk about this later why it is important to do that in the presentation. Asset allocation, guidance, top tier, performance reporting, due diligence, all the stuff that will provide a good sound investment for your objectives but also reduce the liability, now where do I come in? I am the one that will work with Raymond James along with you – what does he board want to do with this money, what is your investment objective do you want to be aggressive? Then I will work with the investment consultants and then we will adhere to a certain plan to match your investment objectives do you want to be medium or moderate or in between or maybe conservative, we can cater an investments portfolio to meet your objectives.

Institutional difference between us and other companies is our discipline approach to investment management. There are tens of thousands institutional investment managers out there what we do is not only figure out who is the best out there we have a very strict policy on how we screen our managers, yes, investment performance is one of them but it not the only component what we do is an independent due diligence research how did this investment manager do during good times but during bad times because when anybody is making money they look pretty smart but how did they do during the bad times let say they shot for 12% but they are risking 15% that is an exposure, a risk. Because obviously if they are shooting for a 12% return but they are risking 15% that is not smart investment. What we are trying to do is find managers that do good in good and bad times but if they shoot for 12% we are hoping they are risking only 8% on top of that we are looking at how they do over a long period of time. If a manager had a really good year and only has two or three years experience that won't pass our selection manager but possibly our watch list as time goes on we will continue to watch what we want to do is of the tens of thousands screen versus our criteria and figure out of these who are the investment managers for your portfolio, why is this important? This is the Raymond James formula for success: Step one, develop forward looking risk, return and correlation assumptions for different asset classes for an ever changing market that is happening each and every day on top of that they analyze in combining active and passive asset management in a portfolio. Step 2, they create a nice asset allocation to meet your portfolio objectives. Step 3, we hire and maintain these managers to be in your portfolio and in addition to the last one we are constantly monitoring them. The Raymond James institutional team is constantly going to these investment managers offices to inspect them, has your methodologies change? If I hired you to be a large cap investment manager are still sticking to be that large cap because stocks change it could be a large cap today if could be a mid cap tomorrow, we hired you to do this particular thing and you are not following what we hired you for, that's another thing, the process, are they staying within what we hired them for. If you look a the portfolio construction putting together passive management which stays in line with their respective indexes it also gives a low expense ratio a good example is vanguard. Vanguard is passive management, they are not trying to outperform they are trying to perform in line with the S&P 500 that year or whatever the respective index does that year. We also combine active management, in expense ratio the cost of having the fund in the portfolio is a little higher but what they do is far more active in getting in and out of the market. Statistics show having only passive management you will do good during good markets but during the bad markets like in 2007 and 2008 you will lose significant because you are not getting out you are staying during the good and bad times having a active manager they actually do better when the markets are going out because they actually have the authority to increase their caps position.

So Raymond James figures out how they can construct these portfolios to make sure they are constantly doing well during food times and bad times. They utilize diagrams to show how the portfolios are designed by using the core passive along with the active management. Exchange traded funds (ETF) they are known for having low cost exchange ratios and are similar to A Vanguard mutual fund. I took a guess at possible portfolios, what do you propose we do for our money, I took a fifty-fifty approach, 50% stocks, 50% fixed income cash, this is an institutional investment that has an minimal investment of three million dollars on top of that it gives you an allocation breakdown or if you look 30% of your money is invested in large caps and a small portion is from small to mid caps and the breakdown is accordingly down below.

**Commissioner Louisa Wessling:** And this is on page 42?

**Mr. Erik Wessling:** This is on page 42.

**Commissioner Louisa Wessling:** 42 of 97 is that what is labeled?

**Mr. Erik Wessling:** Yes. We jumped from 14/97 to 42/97

**Commissioner Louisa Wessling:** Then on the next page you jumped back down to 16.

**Mr. Erik Wessling:** What this is giving a breakdown of what the portfolio consist of I see that you give me 30% of the large cap but what is in the large cap. You have a large cap value of MFS a large cap value of equity, you have 10% in the Jennison large cap growth you have another 10% in the S&P Vanguard. It gives you a very clear portfolio of what it is comprised of. Some of the portfolios consist of SMA, which means Separately Managed Account. Some of these funds if you were to go directly to the manager you would probably need 100 to 200 million to use one of their funds but because of our relationship with Raymond James they could use their buying capacity we could promise "X" amount of fund for you to manage but you are going to have to reduce your firm minimum so that is how we are able to use these top tier investments. Also when you take a look at the asset allocation recommendation it gives you a nice clear allocation and how it is broken down.

**Commissioner Anthony Ada:** Did you choose this 300 million model because that is about how much we have?

**Mr. Erik Wessling:** Actually that is the firm minimum dealing with institution. Institutional versus retail different ball park as far as resources and products available. This the part that I like this graph how has your portfolio done, our moderately conservative, which is a balance of fifty-fifty compared to a similar portfolio at fifty-fifty you see how our portfolio has done against the benchmark.

**Commissioner Louisa Wessling:** What page you on?

**Mr. Erik Wessling:** The next page.

**Chairwoman Anita Orlino:** 18 of 97

**Mr. Erik Wessling:** I am on black and white but you are the dark blue is how we are performing this shows you the growth analysis of how our portfolio has done versus the bench mark. Performance is important but we also want to make sure the risk associated with it is (inaudible) more focused on a portfolio desired to our performance it will give you a nice clear transparent about how the returns have done year after year versus our bench mark so even back on 2008 when the market was pretty bad the bench mark did a negative 9.7 ours did a negative 9.5 but the following year the bench mark did 16.8 while we did a 20.3 so this is something we are really proud of that we always outperform even in this type of portfolio in a volatile market from a negative 2 to a negative 3 the portfolio as far as it's tracking, maybe in line or slightly underperform but during robust markets during down and up these portfolios outperform their benchmarks. Switch to the next page these are the annualized returns. I like this as well because if you take a look over a seven year period annually we have done 11.15 while our bench mark has done 9.96. Like I said earlier over the one year we were a negative while our bench mark .7 this portfolio of fifty-fifty of what we had part of the allocations underperform because it was basically a neutral market but over the long terms we have significantly outperform our bench marks.

**Commissioner Antonio Sablan:** You are talking here about the last seven years am I analyzing this right that for the last three years you have been underperforming?

**Mr. Erik Wessling:** For the last three years I am looking at a 6.8 versus a 6.05 our portfolio outperformed it by 1.03.

**Commissioner Antonio Sablan:** You look at page 27 of 97 the year 2014 you underperform

**Mr. Erik Wessling:** Correct.

**Commissioner Antonio Sablan:** 2015 you underperform and the year 2016 you underperform.

**Mr. Erik Wessling:** You can't count 2016 because it hasn't ended they are focusing when .....year to date..... when you take a look at the top left as of March 31, 2016, if you used three years we have outperformed I guess in this case 2013 really helped us. I think you are computing every year of performance and computing it with the annualized returns on a three year basis.

**Commissioner Antonio Sablan:** My concern is what are you doing now.

**Commissioner Louisa Wessling:** Yeah I see what he means in 2014 it underperformed.

**Mr. Erik Wessling:** Keep in mind this is one portfolio. We do reportings every quarter I would like to see what the second quarter will be this is something I can send to you guys for review. The next one is the slightly above conservative portfolio this is more like a moderate allocation.

**Commissioner Antonio Sablan:** What page are you?

**Chairwoman Anita Orino:** 21.

**Mr. Erik Wessling:** What this is a 67% to a 33% stocks to a fixed income and cash this is a little more aggressive the degree of the bonds and stocks maybe a little more volatile the higher the volatility the higher the returns the higher the risk as well and this is a snap shot of what a moderately portfolio will comprise of. And when you switch to the next page it gives you a complete picture of what the Raymond James institutional portfolio is comprised of anywhere between a five year, ten year inception date, how long the manager has been around in one of these inception dates I see 1979 in a couple I see 1989 it gives you a good idea how long the manager has been around if you see 2011,2010 those are the ETF's which is designed to do one thing which is to stay in line with the market similar to a Vanguard mutual fund. So let us say for instance this new one,ishares msciea, it has only been around I think since 2012, the index for the MSCI has been around for many, many years so even though the ETF has been around for a short time the bench mark for what it suppose to track has been around for a long time. If you take a look at the right side, Asset Allocation Recommendation, gives you a good idea of what the portfolio is comprised of 67% stocks and 33% fixed income and cash. And then you have the same thing with a moderate to a conservative portfolio moderate growth analysis take a look on the next page this gives you a nice detail about the growth on how the portfolio has done we are still outperforming our benchmarks over the long term that gives you an idea of what the chart looks like. Mr. Sablan if you take a look at the returns for the year as well year by year basis I want to draw everyones eyes to 2008 the benchmark went down negative 26.6 while our portfolio

has done negative 24.5 and the following year we hit a positive 23% while the market only went up 23%. It looks like we had some underperformance in 2014 and we outperformed in 2015 on a percentage basis if the benchmark did a 1.5 it looks like we outperformed by 200% posting at 1.5% return and of course today we have our neutral market not much volatility we are pretty much in line with what are benchmark has been doing.

**Commissioner Louisa Wessling:** I am no real savvy on these things in 2013 you are looking at 20.4 and 17.9 for the benchmark and then last year in 2015 it just went whoosh all the way down is that the market?

**Mr. Erik Wessling:** That is the market. We are trying to do is not only look at and we will talk about that s we look at the Raymond James strategy commentaries what we are trying to do, the whole reason for this portfolio is we are trying to outperform on a short term and the long term. Yes, there may be one highly likely two years where we underperform but I wouldn't be surprised if we underperform for one ear but over the long term our goal is to consistently outperform and the importance of institutional portfolios versus retail portfolios. We adhere to the investment strategy and policies and we follow it to a "T". some of the things I would recommend and I am kind of drifting away from the slides her but one of the things I would recommend in putting in the investment policy statements is that when it reaches a certain amount of growth we take that growth and put it in something more conservative because at the same time yes! We may have a year of 20% return what happens the next year if we go down 10%. So let's figure this out if we had a million dollars, we will use round even numbers because it is easy, if I go up 20% now I am at 1.2 million, if I go down 10% I don't go down 100,000 thousand I go down that 1.2. so what I want to do in the investment policy statement when the account reaches a certain amount of growth we should immediately take a significant part of that growth and put it in a CD or short cash and then start over again because even if the market goes down and at some point it will it is just adjustments we have our ups we have our downs adding something like this to your portfolio will definitely preserve your profits.

**Commissioner Louisa Wessling:** Are there taxes to pay when you do something like that?

**Mr. Erik Wessling:** Are you guys a non-profit?

(inaudible)

**Mr. Erik Wessling:** That's what I was thinking, this strategy alone will benefit you on top of that we also do portfolio rebalance you certain large caps will do very well (inaudible-someone sneezed) over weight in one particular sector and you would be under weight in other sectors when you do a rebalance you spread your profits evenly.

**Commissioner Antonio Sablan:** You keep mentioning bench mark who is the bench mark that you are using?

**Mr. Erik Wessling:** The bench mark adhere to FI through 60 or other credit Suisse markets available out there I am just going to do it like this if I was going to use 100% portfolio of large cap my bench mark would be the S&P 500, I was going to create a portfolio of industrial transportation in railroad, automobile and airline my bench mark would be the Dow Jones Industrials. If I met with the committee and they said we want only the technology companies then our bench mark would be the NASDAQ. So when you have a portfolio that consist of 30% large cap, 10% mid cap

**Commissioner Antonio Sablan** You are using the industry standard?

**Mr. Erik Wessling:** That is correct.

**Commissioner Antonio Sablan:** There is not a selected few

**Mr. Erik Wessling:** That is because not everyone has one or two investments styles people have certain preferences about the allocations and we have to adhere to how we are doing versus bench marks who creates these bench marks it could be created by many, Merrill Lynch ultra short bonds that is their bench mark the Credit Suisse has created their own bench mark, the S&P 500 which by the way is an investment company it stands for Standard and Poor 500 they created theirs, Dow Jones is no different from any other company as well (inaudible), theres a lot of things that this is what we are doing it is time tested and true if you want your allocation consist of this this the apples to apples that you are going to be compared with. If you want more specific links I would be more happy to share it I could send it to Karen and she could disseminate it to the board and get a better idea who creates these bench marks because I know Raymond James doesn't we don't create these bench marks what we do is create the portfolio and we are held to the bench mark. If you take a look at the next page it is the last page of the moderate portfolio annualized returns 3 year, 5 year, 7 year annually we are happy to say we have done well. This particular portfolio through a 3 year, 5 year, 7 year and 1 year we have outperformed.

I am sorry if this is a little confusing what I wanted to do is put this on the screen I didn't realize I was going to be presenting on this table so I had a PowerPoint so there would be no confusion and when I spoke to the IT guy he said he couldn't make it any bigger, I had every intention of presenting on the screen. I wanted to make it interactive and not boring.

The Raymond James Commentary advantage is back in 2007 going into 2008 our CEO Jeff of SNBC which is the most watched investment channel the most watch, channel 25 on Docomo Pacific, he went on to say I forget which month, this is the bottom of the market. He was going to say I suggest you back the truck up and fill it up with as much money as you have because we are going to have a bull market from here on and he was right our markets from then on went up 150% over the past four years.

Raymond James is not perfect by any means but they adhere and stick to their investment philosophies they employ many CFP, PHD's, all these really smart guys and they tell us what is going to happen in the market. I gave an example of what you might see in the first quarter portfolios overviews in the mildly conservative there is a nice little objective commentary what they are saying and what the allocations consist of and then they have the portfolio positioning as well where they say we are heavy weight into certain caps under weight for some. Due to taking a PDF file and converting it into a PowerPoint there are some things that are confusing the overweight is suppose to be pushed all the way down to the right side so while you see the underweight is in the equity portion. What it's supposed to say is the dot will recommend slightly overweight or fully overweight and then they give their comments why certain positions should be in these particular sectors. Same thing with the moderate portfolio as well very clear cut a far as strategies about what the portfolio consist of and the allocations.

We are all concerned with portfolios, returns and Raymond James but the number one concerns that institutional accounts have is liability. How do we reduce our liability, documentation and communication. Where we sit down as a board how would you like this money invested, we sit

down and figure out and we draft an investment policy statement it can always be updated, we want to create our core foundation on how we want this money invested, we can always go from aggressive to conservative and conservative to aggressive that is not the problem what we can do is work with Raymond James experts and say how can we draft an investment policy statement for it that is the most important thing.

Here is an example of the fiduciary responsibilities we have some questionnaires we have some bullet points "identify all involved parties, including plan fiduciaries, and acquire acknowledgement of responsibilities. Identify and document the procedures utilized for managing plan assets" you want to add in that every quarter you want to take out certain amount of funds or if the fund has done mandatory 10% we will take half of that and put it in cash reserves or if the market goes down 10% we address our investment policy statement portfolios it is very flexible. Will this wash your hand of zero liability? No it won't there is always some liability what we are trying to do is not only document but communicate and we follow the investment policy statement to the best of our abilities that is the most important part and that is why I think Raymond James can offer this to give you a better return than what you have sitting in cash to take a little risk a calculated risk to help grow your money to meet you investment objectives. I am excited and thankful for this opportunity to present to you and I will follow up with Karen or Mr. Camacho just to see what we can do and what you guys thoughts are. Mr. Sablan I can give you a link as to how these bench marks are created we could do that as well bottom line we are here to help I think we can do a better job versus just sitting there.

**Commissioner Antonio Sablan:** Provide that to Ms. Karen and she will disseminate that.

**Mr. Erik Wessling:** Absolutely. Is there any other question?

**Mr. Erik Wessling:** What are some of the things we should be thinking about as a board? Things that we should consider in trying to help us decide which way to go granted you are going to share should the board go with Asia Pacific I imagine you would share your recommendations but what are the things as a board that we should be thinking about to safe guard this money.

**Mr. Erik Wessling:** The question is what did you think of the moderately Conservative portfolio when it dropped negative 20% was it negative 20%, if that is something you did not like or your expectations were not met even though it beat it's bench mark then what we should do is address a different portfolio before it even gets to this that is the first thing is getting the board as a whole wants to do with the money and how much they want to grow.

**Mr. Erik Wessling:** So that's the questions we need to ask ourselves?

**Mr. Erik Wessling:** That is what you need to ask yourselves.

**Commissioner Antonio Sablan:** What growth rate are we?

**Mr. Erik Wessling:** If you went from zero to no growth then all of a sudden shoot for a 20% return I don't think that is a good idea we can always go in stages what we could do is start of conservative and the profit part of it throw it into something aggressive because that is just profit it is very flexible just understand your culture.

**Commissioner Antonio Sablan:** You wouldn't have any information as far as cash in the bank, TCD as to what the value of it today and the value as time goes by versus the portfolio you are talking about.

**Mr. Erik Wessling:** That's a good question and we can do that as well. Some of the things to consider and I will ask you which bank are you dealing with because if you are dealing with Coast360 you are getting 0.6 yield but you are locked in for five years. Now liquidity risk is involved because if you were to break that contract there is penalty involved. If you were to go to Bank of Guam because they are not.....I forgot that term because they are for profit their rate will be a little bit lower so if you are looking at best case scenarios Coast360 is best but you would have to give blocks of \$250,000 at the most because that is what FDIC insures you would have to get 18 to 20 CD's just to meet that 1.85 but that is a long term five year commitment. How would it compare to one of ours well you kind of seen it we are outperforming. Maybe the next question is if that was available why wasn't done before, there are a lot of options, the importance of having a financial advisor by your side is to make sure we adhere to what you do with these recommendations. This money sitting in cash is opportunity lost compound that for five years that is something to think about as well. What we want to do is fit the culture of what the board wants to do and then we can make a recommendation and move forward. I would probably say right now do a fifty-fifty from now for the next four months be expecting very volatile times why because statistic shows on the third year of a presidential term it's the most volatile time because nobody knows who is going to be the next president. Government, corporations don't know how to re-strategize their money so money is constantly switching being sold there is so much uncertainty but we are going to have a very strong year end so that is something to consider as well. Oil, Raymond James says we are going to hit 65 to 70, 80 dollars.

**Commissioner Antonio Sablan:** That means gas will go up.

**Mr. Erik Wessling:** And when it does I want you to think about us that is the advise we are looking at staying ahead of the curve. One more thing I want to add before I answer additional questions let us just say today we do a CD at 1.85% you are locked in for five and the Fed does an interest rate hike at the end of this year CD rates will go up higher so now you are at 2% or 2.5% and you are locked in at 1.85, you want to get the max for your dollar right? I would probably say be cautious because the Feds will increase the CD rates but at the same time they approve bonds as well with a good fifty-fifty blend as well, there is just so many things. The best thing is understanding the boards culture and investment objectives because everybody is different my understanding of aggressive may be different from yours what we want to do is find the best that reflects everybody as a whole. Thank you, if you have any other questions send me an email or give me a call.

**Commissioner Anthony Ada:** What is the minimum investment?

**Mr. Erik Wessling:** For this portfolio three million.

**Commissioner Anthony Ada:** Locked in for how long?

**Mr. Erik Wessling:** There is no lock in. if you liquidate a million in cash then we would scale it back from a institutional portfolio to something more on the retail side.

**Commissioner Antonio Sablan:** What is the fee you charge?

**Mr. Erik Wessling:** Depends on how often you want to meet, depending on how demanding things are. If you guys want to meet every month that would definitely be a little higher you guys want to meet once a year that will be lower from what we have seen on industry standard on institutional is 0.75 as high as 2.25 I wouldn't charge you 2.25.

**Commissioner Antonio Sablan:** If we invest with you three million and six month later we want to take it out what will you charge us?

**Mr. Erik Wessling:** If you are going to take out the entire thing I would probably say don't use this portfolio because one we follow fiduciary practices first I just don't see the value if the markets go down do you know that in the month of January the market went down 10% let say something like that happened again, I couldn't do it.

**Commissioner Anthony Ada:** I know with investments you are in it for the long term and once the rules have been put into its final form the beneficiaries are going to want money and let us say the first and second year are not doing to good but the projection is year five it is going to start coming back right? Then we have to tell the beneficiaries "wait" because we didn't meet our goal yet.

**Mr. Erik Wessling:** Right

**Commissioner Anthony Ada:** That is my thought that they will probably say "never mind your goal just give us what belongs to us".

**Mr. Erik Wessling:** And if that is the case let us just say we were doing the entire.....for instance all you had was three million and it is reserved for his particular thing let us set up a cash reserve of a million I will go back to Raymond James and say "guys I could only do it with two million instead of three million can you give me some wiggle room" I am pretty sure that having 212 quarters of profitability I am sure they can be flexible with certain minimums. Based upon what you were saying set up a cash reserves, liquidity, payout some of these things that you know you are going to be paying out and then we can see what we can do with 2 million that is what I would recommend and that could be part of the investment policy statement as well and that's were all our profits will go when we grow this 2 million dollars.

**Commissioner Anthony Ada:** If your investments do good the first year you can take some of that out give it back to us and we will payout.

**Mr. Erik Wessling:** Absolutely but how much though? That is the thing we want to keep the institutional benefit that is what I am trying to do and if we go over 2 million I don't know.

**Commissioner Anthony Ada:** A few years back she came and talked to us and the reason we didn't move on it was because we are not an autonomous agency, Guam Memorial Hospital, GCC, UOG they are all on their own they can do that we will need clarification to see if that has changed. The other idea that we were just talking about earlier if the University can do it maybe we can piggy back on them or something like that. The question whether or not us being an autonomous agency we can do this, who can answer that question?

**Mr. Erik Wessling:** I am looking at the legal counsel.

**Attorney Kristan Finney:** I am making a note of it.

**Commissioner Anthony Ada:** Ron Eclavea brought someone in, she was from her and she was visiting the island she was from some investment firm in New York.

**Mr. Erik Wessling:** Maggie?

**Commissioner Anthony Ada:** I forgot already. Stern! That was her last name.

**Commissioner Ronald Laguana:** Samantha!

**Mr. Erik Wessling:** So what would be the next step on who can, when the CD's expire?

(inaudible-talking amongst themselves).

**Commissioner Anthony Ada:** I am thinking thee rules will take quite a while.

**Attorney Kristan Finney:** Can I get some information on what the board went through.

**Commissioner Anthony Ada:** I got a bunch of stuff.

**Commissioner Ronald Laguana:** Mr. Camacho what are we earning in TCD, we have been collecting like \$5,000 dollars.

**Mr. Erik Wessling:** \$5,000 a month?

**Commissioner Ronald Laguana:** Every quarter or every six months?

**Deputy Director David Camacho:** A quarter. We did the TCD on a yearly basis one is twenty two, the other is fifteen months the other one is one year.

**Commissioner Ronald Laguana:** It is staggered.

**Deputy Director David Camacho:** We have two TCD that matured.

**Commissioner Ronald Laguana:** And we just reinvested it right?

**Mr. Erik Wessling:** What's the capital? If it is four million then its .5% if my math is correct that's 20,000. Is that good? I mean if you use a dollar amount the \$20,000 is good but if you look at the percentage basis .5 bu whats inflation - .3. What is fair is what is good and what is being done

**Commissioner Anthony Ada:** I think they even had a spreadsheet presented your fees are between 1 and 2% depending on how many times we meet.

**Mr. Erik Wessling:** We want to know the complexity, we have clients that demand to meet every month so preparing all this stuff and making sure everything is all nice got to bring cinnamon rolls and donuts and stuff and that is not cheap either and for some reason they don't want Crown Bakery they want cup and saucer so it just depends what you guys want to do.

**Commissioner Anthony Ada:** (said something but was inaudible).

**Mr. Erik Wessling:** I want to make it clear that "us" Asia Pacific is not the one taking \$100,000 dollars buying apple I am not taking 3 million and buying Microsoft Raymond James is the one adhering to these managers and working with and I refer to them as a "them" because I want to make sure that's who we are working with.

**Commissioner Anthony Ada:** You take a percentage and Raymond James takes a percentage is that included in the 1 to 2 percent?

**Mr. Erik Wessling:** Everything that is correct you won't be cutting us a check it will be taken from the investments. So the next step is Kristan to give us some clarity. Thank you.

**VIII. Adjournment**

**Commissioner Antonio Sablan:** I move to adjourn.

**Vice Chair Ronald Laguana:** I second the motion

**Chairwoman Anita Orlino:** All those in favor say "Aye".

**All Commissioners present:** "Aye".

**Chairwoman Anita Orlino:** All those not in favor say "nay".

**No answer**

**Meeting adjourned at 5:50pm**

Transcribed by: Karen N. Charfauros: Ka. Char

Approved by Board motion in meeting of: 7.27.16

David Camacho, Deputy Director: [Signature] Date: 7/27/16

Anita F. Orlino, Chairperson: [Signature]

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**GUAM ANCESTRAL LANDS COMMISSION**  
**Board of Commissioners Meeting**  
**July 27, 2016**

**WIC-GALC Memorandum of Understanding - DISAPPROVAL**

**1. FACTS:**

- a. **MOU: PENDING APPROVAL**
- b. **Portion of Lot No. 2276, Tiyan, Barrigada consisting of Bldg No. 15-6100, including an adjacent all concrete utility building, parking lot and common area consisting of approximately 800 sqft.**
- c. **License Agreement: Effective January 1, 2015, for a term not to exceed ten (10) years, with an option to extend under the same terms and conditions, upon mutual consent by the Licensor.**

**2. Chronological Facts:**

- a. On August 18, 2015 and August 21, 2015, Chairperson Anita Orlino and Acting Secretary Ronald Eclavea signs MOU.
- b. On August 28, 2015, Director of DPHSS, James W. Gillan signs MOU.
- c. On August 28, 2015, funds were certified to be available by Tommy C. Taitague, ASO, DPHSS.
- d. On September 23, 2015, BBMR Director, Jose S. Calvo approved the MOU
- e. Unknown date, MOU was forwarded to the Attorney General's Office for review and approval.
- f. On February 24, 2016, Received a memo from Assistant Attorney General, Solicitor Division, Kristan Finney to Chairperson, GALC with regards to the disapproval of the MOU, attached for reference.
- g. On May 11, 2016, in a GALC regular meeting, Asst AG Kristan Finney advised the board that the License Agreement and the MOU terms did not match up and therefore recommended that a new MOU be drawn up. Chairman Orlino requested that the Director clarify with DOA if the MOU is required verses the License Agreement.
- h. On June 2016, GEDA forwards DRAFT MOU to Director for review.





# Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 706, Tamuning, Guam 96913



February 24, 2016

## AGENCY COMMUNICATION

Ref: DPHSS 15-0632

**TO:** Chairperson, Guam Ancestral Lands Commission

**FROM:** Assistant Attorney General, Solicitor Division

**SUBJECT:** Memorandum of Understanding between the Guam Ancestral Lands Commission and the Department of Public Health and Social Services for the Tiyan WIC Land Lease

The Bureau of Budget and Management Research ("BBMR") requested that the Attorney General review and approve the Memorandum of Understanding ("MOU") between the Guam Ancestral Lands Commission ("GALC") and the Department of Public Health and Social Services, Supplemental Nutrition Program for Women, Infants and Children ("DPHSS") to lease a portion of Lot No. 2276 consisting of Building 15-6100, Mariner Avenue, Tiyan. The MOU is not recommended for approval for the reasons discussed below.

The MOU references a "License Agreement"<sup>1</sup> between the GALC and DPHSS. The License Agreement was not reviewed by this office. The MOU differs from the License Agreement in some significant respects, particularly the start and end dates, the manner by which the agreement may be terminated, and the payment amount. The License Agreement also contains additional terms, such as insurance and indemnity provisions, that are absent from the MOU. Although the MOU was entered into after the License Agreement, it is not clear that the parties intended that it amend or supersede the License Agreement.

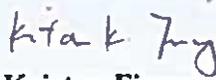
Because the MOU does not adequately outline the agreement between the agencies, it is being returned without approval. To accomplish their objective in formalizing a rental agreement, the agencies may wish to draft a new MOU that contains the following provisions:

1. Clear statement that the MOU is intended to supersede the License Agreement;
2. Definite initial term, renewal, and termination clauses;
3. Statement of authority for each of the agencies to enter into the MOU;
4. Amount of rent that accurately reflects the parties' intent, including escalation clauses if appropriate; and

<sup>1</sup> The License Agreement is more accurately characterized as a "lease," as evidenced by the transmittal letter itself, among other indicators.

5. Incorporation of any additional terms such as insurance or an indemnity clause that the parties intend to be part of the agreement.

Please let me know if you have any questions or require further information regarding this matter. Thank you.

  
**Kristan Finney**

**MEMORANDUM OF UNDERSTANDING**

**Between the**

**GUAM ANCESTRAL LANDS COMMISSION**

**And the**

**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES**

This **MEMORANDUM OF UNDERSTANDING** is entered into on the date indicated below between the **GUAM ANCESTRAL LANDS COMMISSION (GALC)** whose address is P.O. Box 2950 Hagatna, Guam 96932, and the **GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA)**, Government of Guam, whose address is P.O. Box 22439 GMF Barrigada, Guam 96921.

**RECITALS**

**WHEREAS**, the GEPA has been occupying and utilizing, from the GALC a portion of Lot No. 2276 consisting of building number 15-6100, including an adjacent all concrete utility building, parking lot and common area consisting of approximately +/-8000 sq. ft., Tiyan, Guam; and

**WHEREAS**, GEPA wishes to enter into a Memorandum of Understanding (MOU) with the GALC for the continued use of this property;

**WHEREAS**, the GALC has entered into a MOU with the **GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA)** to act as property manager on behalf of GALC;

**NOW THEREFORE**, it is agreed as follows:

- I. **Authorization to use property; Description of property.** The GALC hereby authorizes the GEPA to occupy and use, subject to all of the terms and conditions of this MOU, the following described real property (Property):

A portion of Lot No. 2276 consisting of building number 15-6101, including an adjacent all concrete utility building, parking lot, and common area consisting of approximately +/-200 sq. ft., Tiyan, Guam, as delineated in Exhibit "A" attached and made a part hereof.

- II. **Terms.** Except as otherwise provided herein, the term of this MOU shall be renewable annually for a period not to exceed ten (10) years commencing on January 1, 2015 and ending at December 31, 2025 (Termination Date).
- III. **Option to extend.** Upon mutual consent of the GALC, the GEPA may extend the term of this MOU upon the same terms, covenants, and conditions as herein contained. In order to exercise said option to extend, the GEPA shall deliver to the GALC written notice of its intent to extend the term no later than sixty (60) days before the end of the MOU.
- IV. **Limitation to described purpose.** The Property may be occupied and used by the GEPA solely for the activities proposed by the GEPA and continuing until this MOU is terminated as provided herein. In no event shall the GEPA begin any required licensed activity without obtaining all requisite authorization and permits from the appropriate Government of Guam or Federal agency or authority.
- V. **Compensation.**
  1. The GALC and the GEPA expressly acknowledge that compensation for this MOU shall be **\$1.05** per square foot. The monthly compensation of **\$8,400** is payable on the beginning term of the license as stated in Paragraph I and monthly thereafter. Compensation is inclusive of all common area structures within **Exhibit A.**
  2. Upon annual renewal of this MOU, the monthly compensation during the renewal annual term shall be equal to the fair market value of the Property. Determination of fair market value shall be based on a then current appraisal, or other reasonable method as acceptable by the GALC, of the Property paid for by the GEPA.
  3. If the GEPA exercises its option to extend the term of the MOU beyond the Termination Date, the monthly compensation during the extended term shall be equal to the fair market value, or other determined value as acceptable to the GALC, of the Property to be assessed during the annual renewal. Determination

of fair market value shall be based on a then current appraisal of the Property paid for by the GEPA.

- VI. **Payments.** All payments due to GALC from GEPA shall be made payable to the GEDA and remitted to the GALC.
- VII. **Termination.** This MOU may be terminated by either party on ninety (90) days written notice prior to the Termination Date. Upon termination by written notice, the provisions of this MOU shall be terminated.
- VIII. **Utilities and maintenance.** Any and all utilities and maintenance of the Property described herein shall be borne and paid for by the GEPA.
- IX. **No interest in real property.** The GEPA expressly acknowledges and agrees that it does not and shall not claim at any time any interest or estate of any kind or extend whatsoever in the above described Property of the GALC by virtue of the rights granted under this MOU or occupancy or use granted herein.
- X. **Assignment of rights.** The rights of the GEPA under this MOU are personal to the GEPA and may not be transferred nor assigned to any other person, firm, corporation, or other entity.
- XI. **Indemnification of licensor.** In consideration of the privilege granted by this MOU, the GEPA shall not claim any cost, claims, or damages arising in or on the Property described above regardless of the fault or negligence of the GALC while being used by the GEPA and the GEPA's officers, employees, members, guests, clients, or invitees, and the GEPA shall indemnify the GALC from any and all costs, losses, claims, or damages of any kind or nature arising in connection with the use of the real property described above by the GEPA and the GEPA officers, employees, members, guests, clients, or invitees.
- XII. **No warranty.** The GALC does not warrant or represent that the Property described above is suitable for the purpose for which it is permitted to be used, nor that the GEPA is specifically entitled to the issuance of any permits necessary to carry out any activity on said Property.
- XIII. **Entire Agreement.** This MOU shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this MOU shall not be binding upon either party except to the extent incorporated in this MOU.

- XIV. **Modification of agreement.** Any modification of this MOU or additional obligation shall be binding only if evidenced in writing and signed by each party or an authorized representative of each party.
- XV. **Governing law.** It is agreed that this MOU shall be governed by, constructed, and enforced in accordance with the laws of Guam.
- XVI. **No waiver.** This failure of either party to this MOU to insist upon the performance of any of the terms and conditions of this MOU, or the waiver of any breach of any of the terms and conditions of this MOU, shall not be construed as thereafter waiving any such terms and conditions, but the same continue and remain in full force and effect as if no such forbearance or waiver had occurred.
- XVII. **Binding effect.** This MOU shall bind and inure to the benefit of any respective successors of the parties.
- XVIII. **Notices.** Any notice provided for or concerning this MOU shall be in writing and shall be deemed sufficiently given when sent by email, certified or registered mail to the respective address of each party as set forth at the beginning of this MOU.
- XIX. **Removal of improvements upon termination.** Upon termination, the GEPA at the GEPA sole expense shall remove all improvements constructed or erected on the Property described herein, unless the GALC approves for the improvements to remain on the Property.
- XX. **Public liability and property damage insurance.** The GEPA will procure, at its own cost and expense and keep in force during said term for the mutual benefit of the GALC and the GEPA, a policy of comprehensive liability insurance in such form and such insurance company as the GALC shall approve. Said policies or copies thereof must be deposited with the GALC and must cover the Property, including entrances to the Property and sidewalks and parking areas adjacent to the Property. The GALC may review the foregoing limits of coverage and require increases therein. Said policy or policies shall also contain a clause stating that the insurer will not cancel or change insurance coverage without first giving the GALC and the GEPA thirty (30) days prior written notice of such change or cancellation.

XXI. **Pre-existing conditions and release of liability.** Parties recognize there may be known or unknown pre-existing conditions of the Property described herein, and agree to hold each other harmless from any liability arising out of such conditions.

XXII. **Superseding clause.** This MOU shall supersede all previous licenses and MOUs between the GALC and the GEPA for the Property.

**IN WITNESS WHEREOF,** the parties have entered into this Agreement on the dates shown below.

\_\_\_\_\_  
**ANITA F. ORLINO**, Chairperson  
Guam Ancestral Lands Commission

\_\_\_\_\_  
**YVETTE CRUZ**, Acting Administrator  
Guam Environmental Protection Agency

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
**MARIA G. CRUZ**, Secretary Treasurer  
Guam Ancestral Lands Commission

Date: \_\_\_\_\_

**CERTIFIED FUNDS AVAILABLE:**

**APPROVED:**

\_\_\_\_\_  
**TOMMY C. TAITAGUE**  
Administrative Services Officer  
Department of Public Health and  
Social Services

\_\_\_\_\_  
**JOSE S. CALVO**, Director  
Bureau of Budget & Management  
Research

Date: \_\_\_\_\_

Date: \_\_\_\_\_

A/C:	
AMOUNT:	
VENDOR NO:	
DOCUMENT NO:	

**APPROVED AS TO LEGALITY AND FORM:**

**APPROVED**

\_\_\_\_\_  
**ELIZABETH BARRETT- ANDERSON**  
Attorney General of Guam

Date: \_\_\_\_\_

\_\_\_\_\_  
**EDWARD J.B. CALVO**  
Honorable Governor of Guam

Date: \_\_\_\_\_

**GUAM ANCESTRAL LANDS COMMISSION**  
**License Agreement**

**THIS LICENSE AGREEMENT is made effective as of January 1, 2015 by and between the Guam Ancestral Lands Commission whose mailing address is P.O. Box 2950, Hagatna, Guam 96932 ("Licensor") and the Department of Public Health and Social Services – WIC Program whose mailing address is 123 Chalan Kareta, Route 10, Mangilao, Guam 96923 ("Licensee")**

**I**  
**GRANT OF LICENSE; DESCRIPTION OF PROPERTY**

Licensor hereby grants to Licensee a license to occupy and use, subject to all of the terms and conditions of this Agreement, the following described real property ("Property"):

A portion of Lot No. 2276 consisting of building number 15-6100, including an adjacent all concrete utility building, parking lot, and common area consisting of approximately +/-8,000 sq. ft., Tiyán, Guam, as delineated in Exhibit "A" attached and made a part hereof.

**II**  
**TERM**

Except as otherwise provided herein, the term of this Agreement shall be renewable annually for a period not to exceed ten (10) years commencing on the effective date of this License Agreement and ending at midnight (12:00 a.m. – Chamorro Standard Time), ten (10) years from the effective date of the Agreement (the "Termination Date").

**III**  
**OPTION TO EXTEND**

Upon mutual consent of the Licensor, Licensee may extend the term of this Agreement upon the same terms, covenants, and conditions as herein contained. In order to exercise said option to extend, Licensee shall deliver to Licensor written notice of its intent to extend the term no later than sixty (60) days before the end of the Termination Date of the Agreement.

**IV**  
**LIMITATION TO DESCRIBED PURPOSE**

The Property may be occupied and used by the Licensee solely for the activities proposed by Licensee and continuing until this Agreement is terminated as provided herein. In no event shall Licensee begin any required licensed activity without obtaining

all requisite authorization and permits from the appropriate Government of Guam or Federal agency or authority.

**V  
COMPENSATION**

1. Licensor and Licensee expressly acknowledge that compensation for this license shall be **\$1.05** per square foot. The monthly compensation of \$8,400.00 is payable on the beginning term of the license as stated in Paragraph I and monthly thereafter. Compensation is inclusive of all common area structures within Exhibit A.
2. Upon annual renewal of this License Agreement, the monthly compensation during the renewal annual term shall be equal to the fair market value of the Property. Determination of fair market value shall be based on a then current appraisal, or other reasonable method as acceptable by the Licensor, of the Property paid for by Licensee.
3. If the Licensee exercises its option to extend the term of the Agreement beyond the Termination Date, the monthly compensation during the extended term shall be equal to the fair market value, or other determined value as acceptable to the Licensor, of the Property to be assessed during the annual renewal. Determination of fair market value shall be based on a then current appraisal of the Property paid for by Licensee.

**VI  
TERMINATION**

This Agreement may be terminated by either party on ninety (90) days written notice prior to the Termination Date. Upon termination by written notice, the provisions of this Agreement shall be terminated.

**VII  
NO INTEREST IN REAL PROPERTY**

Licensee expressly acknowledges and agrees that it does not and shall not claim at any time any interest or estate of any kind or extend whatsoever in the above described Property of Licensor by virtue of the rights granted under this Agreement or its occupancy or use granted herein.

**IX  
ASSIGNMENT OF RIGHTS**

The rights of Licensee under this Agreement are personal to the Licensee and may not be transferred nor assigned to any other person, firm, corporation, or other entity.

**X**

**INDEMNIFICATION OF LICENSOR**

In consideration of the privilege granted by this Agreement, Licensee shall not claim any costs, claims, or damages arising in or on the Property described above regardless of the fault or negligence of Licensor while being used by Licensee and Licensee's officers, employees, members, guests, or invitees, and Licensee shall indemnify Licensor from any and all costs, losses, claims, or damages of any kind or nature arising in connection with the use of the real property described above my Licensee and Licensee's officers, employees, members, guests, clients, or invitees.

**XI**

**NO WARRANTY**

Licensor does not warrant or represent that the Property described above is suitable for the purpose for which it is permitted to be used, nor that the Licensee is specifically entitled to the issuance of any permits necessary to carry out any activity on said Property.

**XI**

**ENTIRE AGREEMENT**

This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

**XIII**

**MODIFICATION OF AGREEMENT**

Any modification of this Agreement or additional obligation shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

**XIV**

**GOVERNING LAW**

It is agreed that this Agreement shall be governed by, constructed, and enforced in accordance with the laws of Guam.

**XV**

**NO WAIVER**

The failure of either party to this Agreement to insist upon the performance of any of the terms and conditions of the this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same continue and remain in full force and effect as if no such forbearance or waiver had occurred.

**XVI  
BINDING EFFECT**

This Agreement shall bind and inure to the benefit of any respective successors of the parties.

**XVII  
NOTICES**

Any notice provided for or concerning this Agreement shall be in writing and shall be deemed sufficiently given when sent by email, certified or registered mail to the respective address of each party as set forth at the beginning of this Agreement.

**XVIII  
REMOVAL OF IMPROVEMENTS UPON TERMINATION**

Upon termination, if Licensor so requests, Licensee, at Licensee's sole expense, shall remove all improvements constructed or erected on the Property described herein.

**XIX  
PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE**

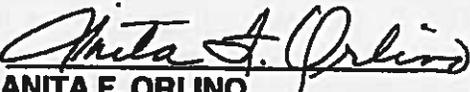
Licensee will procure, at its own cost and expense and keep in force during said term for the mutual benefit of Guam Ancestral Lands Commission and Licensee, a policy of comprehensive liability insurance in such form and such insurance company as Guam Ancestral Lands Commission shall approve. Said policies or copies thereof must be deposited with the Guam Ancestral lands Commission and must cover the Property, including entrances to the Property and sidewalks and parking areas adjacent to the Property. Guam Ancestral lands Commission may review the foregoing limits of coverage and require increases therein. Said policy or policies shall also contain a clause stating that the insurer will not cancel or change insurance coverage without first giving Guam Ancestral lands Commission and Licensee thirty (30) days prior written notice of such change or cancellation.

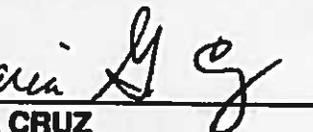
**XX  
PRE-EXISTING CONDITIONS AND RELEASE OF LIABILITY**

Parties recognize there may be known or unknown pre-existing conditions on the Property described herein, and agree to hold each other harmless from any liability arising out of such conditions.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed on the due date and year first above written.

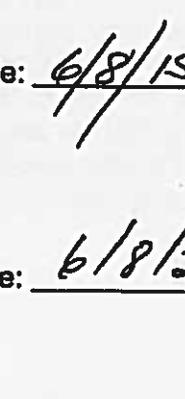
**GUAM ANCESTRAL LANDS COMMISSION**

By:  Date: 6/8/15  
ANITA F. ORLINO  
Chairperson

By:  Date: 6/8/2015  
MARIA G. CRUZ  
Secretary

**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES**

By:  Date: 6-11-15  
JAMES W. GILLAN  
Director

By:  Date: 7-7-15  
JAMES W. GILLAN  
Director

GUAM, USA

Municipality of Tamuning )  
 ) ss )

On this 8th day of June, 2015, before me, a notary public in and for Guam, personally appeared ANITA F. ORLINO, Chairwoman of the GUAM ANCESTRAL LANDS COMMISSION, known to me to be the person who executed the foregoing LICENSE AGREEMENT, and acknowledged to me that she executed the same on behalf of the GUAM ANCESTRAL LANDS COMMISSION.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

) SEAL (

[Signature]  
NOTARY PUBLIC

**LORETTA M. HERRERA**  
NOTARY PUBLIC  
In and for Guam, U.S.A.  
My Commission Expires: October 03, 2018  
P.O. Box 3457 Hagatna, Guam 96932

GUAM, USA

Municipality of Tamuning )  
 ) ss )

On this 8th day of June, 2015, before me, a notary public in and for Guam, personally appeared MARIA G. CRUZ, Secretary of the GUAM ANCESTRAL LANDS COMMISSION, known to me to be the person who executed the foregoing LICENSE AGREEMENT, and acknowledged to me that she executed the same on behalf of the GUAM ANCESTRAL LANDS COMMISSION.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

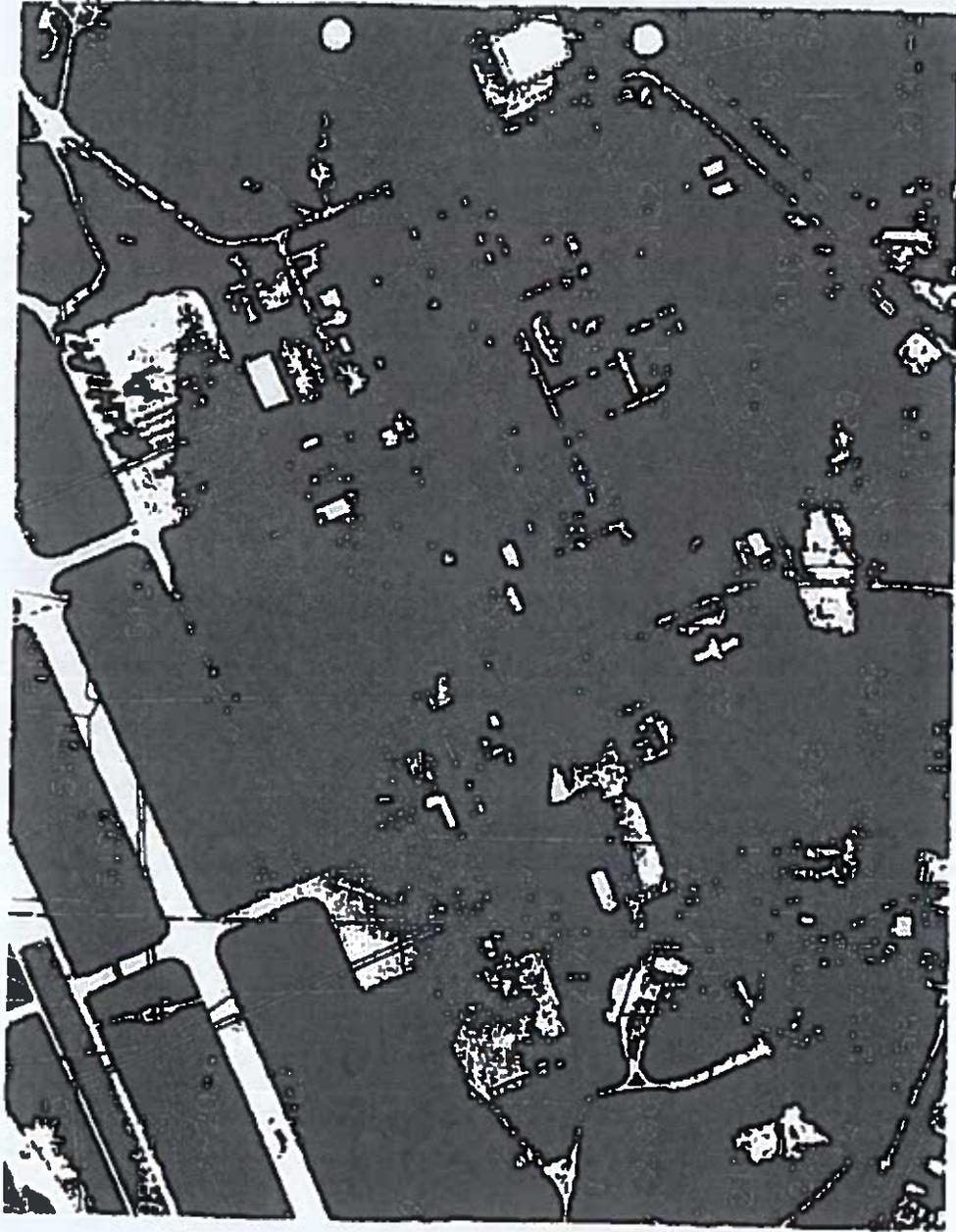
) SEAL (

[Signature]  
NOTARY PUBLIC

**LORETTA M. HERRERA**  
NOTARY PUBLIC  
In and for Guam, U.S.A.  
My Commission Expires: October 03, 2018  
P.O. Box 3457 Hagatna, Guam 96932



**EXHIBIT A**



Check here if address has changed and complete the notice on the reverse.



TRUST FOR GUAM ANCESTRAL LANDS COMMISSIO  
PO BOX 2950  
HAGATNA GU 96932

ACCOUNT SUMMARY			
Share Savings	\$ 3,198,500.18	Term Share	\$ 1,117,310.00
Share Draft		IRA Share Savings	
Mortgages		Loans / Equity Lines	

**CU TRUST SHARE SAVINGS #0100**

Beginning Balance	Deposits	Withdrawals	Ending Balance	YTD Dividends
\$ 3,012,683.57	\$ 186,841.61	\$ 1,025.00	\$ 3,198,500.18	\$ 4,465.17

Trans. Date	Eff. Date	Transaction Description	Deposit	Withdrawal	Balance
APR01		Balance Forward			3,012,683.57
APR06		Deposit by Check P/CK#1236 59-523	1,000.00		3,013,683.57
APR13	APR06	Deposit Adjustment RETURN CHECK DEPOSIT CHECK#1236-NSF		-1,000.00	3,012,683.57
APR13		Withdrawal RETURN CHECK FEE CK#1236		-25.00	3,012,658.57
APR13		Deposit by Check DEP BY OTHER GUAM ECONOMIC DEVT BOG42892	7,491.25		3,020,149.82
MAY05		Deposit by Check GEDA CK#42934 101-511	109,649.54		3,129,799.36
JUN29		Deposit by Check BY OTHER GU ECO DEV AUTH BOG#43081/43082	66,390.19		3,196,189.55
JUN30		Deposit Dividend 0.300%	2,310.63		3,198,500.18

**CU 12 MONTH TERM SHARE JUMBO #0401** Maturity Date: 12-06-16

Trans. Date	Eff. Date	Transaction Description	Deposit	Withdrawal	Balance
APR01		Balance Forward			510,050.00
No Transactions This Period					

**CU 24 MONTH TERM SHARE JUMBO #0403** Maturity Date: 12-06-17

Trans. Date	Eff. Date	Transaction Description	Deposit	Withdrawal	Balance
APR01		Balance Forward			307,260.00
No Transactions This Period					

**CU 36 MONTH TERM SHARE JUMBO #0404** Maturity Date: 12-06-16

Trans. Date	Eff. Date	Transaction Description	Deposit	Withdrawal	Balance
APR01		Balance Forward			300,000.00
No Transactions This Period					

**YTD Account Summaries:**

Total Taxable Dividends Summary Year to Date: \$ 4,465.17  
Total Finance Charges Summary Year to Date: \$ 0.00

Vendor Name Guam Ancestral Land Commission Vendor ID G9017  
Account Number

43108  
07-05-16

Invoice	Description	Discount Amount	Amount Paid
GF7581A	Guam WIC Program - DPHSS	0.00	3,599.40
Total		0.00	3,599.40

RECEIVED

JUL 12 2016

*MB7/12*  
*ms*

Department of Land Management  
Time *2:40* Int *ms*

**COAST360**

Federal Credit Union

Coast360 Federal Credit Union  
450 Route 8  
Maite GU 96910  
Inquiries Call: 671-477-8736

Acct 4 TRUST FOR GUAM A  
Eff: 07/13/16 Date: 07/13/16  
Tr: 0230 2:43pm

Deposit to CU TRUST SHARE SAVINGS 0100  
Amount: 3,599.40  
Seq: #262331  
Comment for CU TRUST SHARE SAVINGS 0100  
BY OTHER GU ECO DEV AUTH BOG#43108

Check Received 3,599.40

Authorized by

- ID Source:
- Drv Lic \_\_\_\_\_
  - SigCard \_\_\_\_\_
  - Known \_\_\_\_\_
  - Other \_\_\_\_\_

Vendor Name Guam Ancestral Land Commission Vendor ID G9017  
Account Number

43082  
06-22-16

Invoice	Description	Discount Amount	Amount Paid
GF-7619	Matson Participation Rent 80%	0.00	79.04
GF7567A	Guam WIC Program DPHSS	0.00	3,599.40
Total		0.00	3,678.44

*MS 6/28*

**RECEIVED**

JUN 28 2015

Department of Land Management  
Time *2:05* Int *[Signature]*

**GUAM ECONOMIC DEVELOPMENT AUTHORITY  
GENERAL FUND**  
590 S MARINE CORPS DR, STE 511 GITC BLDG  
TAMUNING, GU 96913

BANK OF GUAM  
P.O. BOX 87  
HAGATNA, GUAM 96932

43082  
101-511/121  
43082

\*\*\* THREE THOUSAND SIX HUNDRED SEVENTY EIGHT & 44/100 DOLLARS

<b>DATE</b>	<b>AMOUNT</b>
06-22-16	*****3,678.44

**PAY  
TO THE  
ORDER  
OF**

Guam Ancestral Land Commission  
Bank Trust  
P. O. Box 2950  
HAGATNA GU 96932

**VOID AFTER 90 DAYS  
PREMIUM CHECKING ACCOUNT**

*[Signature]*

**AUTHORIZED SIGNATURE**

⑈043082⑈ ⑆121405115⑆ 0601⑈004044⑈

Vendor Name Guam Ancestral Land Commission Vendor ID G9017  
 Account Number

43081  
 06-22-16

Invoice	Description	Discount Amount	Amount Paid
GF-7531	WIC Program - DPHSS	0.00	3,599.40
GF-7544	Kwikspace Guam	0.00	2,860.17
GF-7557	Matson Navigation Co.	0.00	21,257.20
GF-7560	Matson Participation Rent 80%	0.00	58.28
GF-7561	Matson Participation Rent 80%	0.00	20.80
GF-7567	Guam WIC Program - DPHSS	0.00	3,599.40
GF-7578	Guam WIC Program - DPHSS	0.00	3,599.40
GF-7581	Guam WIC DPHSS	0.00	3,599.40
GF-7592	Matson Navigation	0.00	21,257.20
GF-7594	Kwikspace Guam Inc	0.00	2,860.48
<b>Total</b>		<b>0.00</b>	<b>62,711.75</b>

**RECEIVED**  
 JUN 28 2015  
 Department of Land Management  
 Time 2:35 Int'l *[Signature]*

**GUAM ECONOMIC DEVELOPMENT AUTHORITY  
 GENERAL FUND**  
 590 S MARINE CORPS DR, STE 511 GITC BLDG  
 TAMUNING, GU 96913

BANK OF GUAM  
 P.O. BOX 87  
 HAGATNA, GUAM 96932

**43081**  
 101-511/121  
**43081**

\*\*\*\* SIXTY TWO THOUSAND SEVEN HUNDRED ELEVEN & 75/100 DOLLARS

DATE: 06-22-16 AMOUNT: \$\*\*\*\*\*62,711.75

**PAY TO THE ORDER OF**  
 Guam Ancestral Land Commission  
 Bank Trust  
 P. O. Box 2950  
 HAGATNA GU 96932

**VOID AFTER 90 DAYS  
 PREMIUM CHECKING ACCOUNT**  
*[Signature]*  
 AUTHORIZED SIGNATURE

⑈04308⑈ ⑆21405115⑆ 060⑆004044⑈

Last statement: April 30, 2016  
 This statement: May 31, 2016  
 Total days in statement period: 31

Account: 65 .  
 Page 1 of 1  
 Number of Enclosures: 1



00000059-TDBSAS12400531097225-LETTER01-000000  
 GUAM ANCESTRAL LANDS COMMISSION  
 TRUST ACCOUNT  
 PO BOX 2950  
 HAGATNA GU 96910

Direct inquiries to:  
 877 553-2424  
 HAGATNA BRANCH

**RECEIVED**

JUN 10 2015  
 Department of Land Management  
 Time 1:05 PM

## Bank of Hawaii

### Business Money Market

Account number	6838-000217	Beginning balance	\$77,843.01
Low balance	\$77,843.01	Total additions	3.96
Average balance	\$77,843.01	Total subtractions	0.00
		Ending balance	<u>\$77,846.97</u>

#### CREDITS

Date	Description	Additions
05-31	Interest Payment	3.96

#### DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount
04-30	77,843.01	05-31	77,846.97		

#### INTEREST INFORMATION

Annual percentage yield earned	0.06%
Interest-bearing days	31
Average balance for APY	\$77,843.01
Interest earned	\$3.96

TDBSAS12400531097225-00000059-001-C01-1-000000-00-00



# Bank of Hawaii

## Statement of Account

Last statement: April 30, 2016  
This statement: May 31, 2016  
Total days in statement period: 31

Account.  
Page 1 of 1  
Number of Enclosures:

RECEIVED

JUN 10 2016

Direct inquiries to:  
877 553-2424

HAGATNA BRANCH

Department of Land Management  
Time 16:05 PM 6/10/16



00000033-TDBS AD22400531097189-LETTER01-000000  
GUAM ANCESTRAL LANDS COMMISSION  
PO BOX 2950  
HAGATNA GU 96932

## Bank of Hawaii

**WHEN YOU NEED TO ORDER (OR REORDER) CHECKS OR OTHER BUSINESS ACCESSORIES CALL BUSINESS SOLUTIONS BY HARLAND CLARKE TOLL-FREE AT 1-800-503-2345 FOR CONVENIENCE, QUALITY AND A FULL RANGE OF CHOICES. NEW BUSINESS CHECK ORDERS ARE ALSO WELCOME.**

### Business Checking Option 1

Account number	0038-231057	Beginning balance	\$212.32
Low balance	\$212.32	Total additions	.00
Average balance	\$212.32	Total subtractions	.00
		Ending balance	<u>\$212.32</u>

**\*\* No activity this statement period \*\***

TDBSAD22400531097189-00000033-001-001-1-000000-00-00



MEMBER FDIC

EQUAL HOUSING LENDER

TDBSAD22400531097189-00000033-001-001-1-000000-00-00

# Bank of Hawaii

## Statement of Account

Last statement: April 30, 2016  
 This statement: May 31, 2016  
 Total days in statement period: 31

Account: ...  
 Page 1 of 1  
 Number of Enclosures: (0)



00000057-TD3SAS12400531097225-LETTER01-000000  
 GUAM ANCESTRAL LANDS COMMISSION  
 LANDOWNERS RECOVERY FUND  
 PO BOX 2950  
 HAGATNA GU 96910

Direct inquiries to:  
 877 553-2424

HAGATNA BRANCH

Bank of Hawaii

**RECEIVED**  
 JUN 10 2015  
 Department of Land Management  
 Time 16:05 Int *UBS*

*WBS 6/10*

### Business Money Market

Account number	6838-000071	Beginning balance	\$8,429.68
Low balance	\$8,429.68	Total additions	.22
Average balance	\$8,429.68	Total subtractions	0.00
		Ending balance	<u>\$8,429.90</u>

#### CREDITS

Date	Description	Additions
05-31	Interest Payment	.22

#### DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount
04-30	8,429.68	05-31	8,429.90		

#### INTEREST INFORMATION

Annual percentage yield earned	0.03%
Interest-bearing days	31
Average balance for APY	\$8,429.68
Interest earned	\$0.22

TDBSAS12400531097225-00000057-001-071-1-000000-00-00



MEMBER FDIC

EQUAL HOUSING LENDER



## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement

*I Mina Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

July 19, 2016

Anita F. Orlino

Chairperson

Guam Ancestral Lands Commission

**Subject: Oversight Hearing**

RECEIVED

JUL 19 2016

Department of Land Management  
Time 1:50 PM

*Håfa Adai* Chairperson Orlino,

The Committee on Lands will be holding an Oversight Hearing on the Guam Ancestral Lands Commission on August 16, 2016 at 6pm in *Liheslaturan Guåhan*'s Public Hearing Room. The areas to be covered are:

1. **Easements.** The Board Policy on the granting of Access Easements to original landowners' lots in returned Federal Excess Lands and Utilities Easements to GPA and GWA.
2. **Status of Approval of Easements.** The progress by the Department of Land Management of the approval of the above mentioned easements in the various areas of returned Federal Excess Lands, to include, but not limited to the Radio Barrigada Area and the Nimitz Hill Area.
3. **Crown Lands.** The Inventory List of "*Crown Lands*" under the jurisdiction of the Guam Ancestral Lands Commission.
4. **Status of Accounts.** The status of all Funds, Accounts and Investments under the Guam Ancestral Lands Commission.
5. **GEDA Partnerships.** Any and all contracts and agreements with GEDA relative to the commercial leasing and in-kind arrangements of so-called "Crown Lands".
6. **Litigations.** The status of any and all litigation involving the Guam Ancestral Lands Commission.

*Senseremente,*

Thomas C. Ada

cc: Michael J.B. Borja, Executive Director  
David V. Camacho, Deputy Executive Director





# Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 706, Tamuning, Guam 96913



July 14, 2016

## MEMORADUM

To: Guam Ancestral Lands Commission  
From: David J. Highsmith, Assistant Attorney General  
Subject: *GALC Litigation*

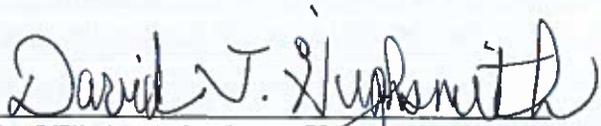
This is the written update that I promised you at the last GALC meeting that I attended on June 22, 2016.

1. **GovGuam v. O'Keefe; CV1379-10.** There are no new developments. This is one of the two license cases. It is still on appeal, but there is no hearing date. [CVA2016-0001].
2. **GovGuam v. WSTCO; CV1378-10.** There are no new developments. We still expect this case to go to trial on September 9, 2016.
3. **GovGuam v. Gutierrez; CV1235-12.** Judge Sukola disqualified the OAG in this case, but we have requested that the Supreme Court give us permission to appeal. The Judge wanted another attorney to take over in Superior Court so we have transferred the file to Sandy Miller, the legal counsel for the Governor. The Governor will select a new attorney to represent the GALC at least until the appeal is decided. The Estates have petitioned for permission to appeal.
4. **GovGuam v. Gutierrez; CV1124-09.** There are several pending motions in this case, but they will not be heard before September 2016. Two motions were scheduled for June 17, 2016, but the Judge moved them without notifying either side.
5. **GovGuam v. Gutierrez; CV0454-12.** Judge Lamorena has just decided the motion to disqualify the OAG, ruling that the OAG may continue in this case, but that the AG herself may not participate. [See WRP16-001 below]. This is a large victory for us. The Estates have petitioned for permission to appeal.
6. **GovGuam v. Gutierrez; CV1093-06.** Progress is slowly being made towards a completion of the paperwork herein. By July 2016, we hope to have collected approximately \$240,000.00 for the Land Bank Trust.

7. **In re Torres; Probate cases.** Judge Perez ruled that the OAG is out of the case because we cannot file a claim for our debts in a probate case. We have petitioned the Supreme Court, in WRP16-001, to have an order issue restraining the Estate from distributing the \$13.6 million held by the Estates.
8. **Crawford v. GIAA, et al. District Court.** We expect this case to go to trial in December 2016. In the meantime, we are investigating the case and considering another dispositive motion.
9. **AG office ability to represent GALC despite disqualification of AG.** As I have already stated, the OAG can continue to represent the government in CV0454-12 and CV1124-09. The only case in which the OAG was disqualified was CV1235-12.
10. **AG's conflict goes way back to when she was appointed by Governor Guterrez.** This is not a problem. The AG has removed herself from all three land title cases and I have not spoken to her in one year about these matters. Her appointment by Governor Gutierrez does not create a conflict of interest.
11. **AG billing statement for each case since the beginning (record of time spent).** The OAG does not always keep these records. I can assure you that I have been working at least fifty percent of the time on these cases since I took them over in January 2015.
12. **Gerri Guterrez's visit to DLM. Governor Guterrez's visit to DLM.** DLM correctly declined to speak to them when they appeared. DLM and GALC members should, if they are approached by anyone from the Torres Estates, politely decline to discuss the cases and ask them to have their attorneys contact me.

This summarizes the status of each pending case involving the GALC.

Respectfully,

  
**DAVID J. HIGHSMITH**  
Assistant Attorney General, Litigation

**MEMORANDUM OF UNDERSTANDING**

**Between the**

**GUAM ANCESTRAL LANDS COMMISSION**

**And the**

**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES**

**RECEIVED**  
M I I 29 AM  
SEP 02 2015

**Bureau of Budget and  
Management Research**

This **MEMORANDUM OF UNDERSTANDING** is entered into on the date indicated below between the **GUAM ANCESTRAL LANDS COMMISSION (GALC)** whose address is P.O. Box 2950 Hagatna, Guam 96932, and the **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHS-WIC) – GUAM SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)**, Government of Guam, who's address is 15-6100, Mariner Avenue, Tiyan, Guam 96913-1601.

**RECITALS**

**WHEREAS**, the GALC has granted the DPHSS-WIC a license to occupy and use, subject to all the terms and conditions of the License Agreement, a portion of Lot No. 2276 consisting of building number 15-6100, including an adjacent all concrete utility building, parking lot and common area consisting of approximately +/-8000 sq. ft., Tiyan, Guam; and

**WHEREAS**, the DPHSS-WIC will pay the GLAC for 8,000 square feet of office space at **ONE DOLLAR AND FIVE CENTS (\$1.05)** per square foot.

**WHEREAS**, upon mutual consent of the GALC, the DPHSS-WIC may extend the term of the License Agreement upon the same terms, covenants and conditions as herein contained. In order to exercise said option to extend, the DPHSS-WIC shall deliver to GALC written notice of the intent to extend the term no later than **sixty (60)** days before the end of the termination date of the License Agreement; and

**WHEREAS**, upon annual renewal of the License Agreement, the monthly compensation of the new annual term shall be equal to the fair market value of the Property. Determination of

MEMORANDUM OF UNDERSTANDING - GALC and DPHSS-WIC

fair market value shall be based on a then current appraisal, or other reasonable method as acceptable by the GALC, of the Property paid for by DPHSS-WIC; and

**WHEREAS**, the GALC has entered into a Memorandum of Understanding with the **GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA)** to act as property manager on behalf of GALC;

**NOW THEREFORE**, it is agreed as follows:

The GALC will provide approximately 8,000 square feet of office space to DPHSS-WIC at **ONE DOLLAR AND FIVE CENTS (\$1.05)** per square foot at **EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$8,400.00)** per month for an annual total of **ONE HUNDRED THOUSAND AND EIGHT HUNDRED DOLLARS (\$100,800)**.

The initial term of this agreement shall begin at a time mutually convenient to both parties and ends on September 30, 2024. So long as funds are available, this agreement shall renew for successive terms of one year to coincide with the government fiscal year, or such time that one of the parties gives the other **ten (10)** days written notice, in which event this agreement shall terminate on the tenth day after such notice. However, the parties may mutually agree at any time to terminate this agreement. Any consideration paid by DPHSS-WIC to GALC covering the time after termination shall be refunded to DPHSS-WIC.

All payments due to GALC from DPHSS-WIC shall be made payable to the **GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA)** and remitted to GEDA.

This agreement may be modified by written amendment signed by both parties. Additionally, this agreement is subject to the availability of certified funds and shall become effective on the date it is signed by the Governor of Guam.

**IN WITNESS WHEREOF**, the parties have entered into this Agreement on the dates shown below.

**APPROVED AS TO LEGALITY AND FORM:**

**APPROVED**

\_\_\_\_\_  
**ELIZABETH BARRETT- ANDERSON**  
Attorney General of Guam

\_\_\_\_\_  
**EDWARD J.B. CALVO**  
Honorable Governor of Guam

Date: \_\_\_\_\_

Date: \_\_\_\_\_

MEMORANDUM OF UNDERSTANDING – GALC and DPHSS-WIC

Anita F. Orino  
ANITA F. ORLINO, Chairperson  
Guam Ancestral Lands Commission

Date: 8/18/15

James W. Gillan  
JAMES W. GILLAN, Director  
Department of Public Health and  
Social Services

Date: 8-28-15

Ronald Eclavea  
RONALD ECLAVEA, Acting Secretary Treasurer  
Guam Ancestral Lands Commission

Date: 8/21/15

**CERTIFIED FUNDS AVAILABLE:**

Tommy C. Taitague  
TOMMY C. TAITAGUE  
Administrative Services Officer  
Department of Public Health and  
Social Services

Date: AUG 20 2015

**APPROVED:**

Jose S. Calvo  
JOSE S. CALVO, Director  
Bureau of Budget & Management  
Research  
CLEARED PER  
BMMR'S REVIEW

Date: SEP 23 2015

A/C:	1) 5100A151712GA001/233	2) 5101E151712PA101/233
AMOUNT:	1) \$5,800.00 1/	2) \$2,600.00 1/
VENDOR NO:	26200000	
DOCUMENT NO:	C15-170-081	

1/ Certification of funds for the month of September 2015  
Monthly payments were made via direct payment for the  
period of October 2014 to August 2015.

**RECEIVED**  
SEP 02 2015 11:29 AM  
Bureau of Budget and  
Management Research



## Northern Market

**From:** [Carlos V. Camacho](#)  
**To:** [Michael Borja](#)  
**Cc:** [David Camacho](#); [LAND MGT DIRECTOR](#); [Jerry Tang](#); [Jay Lather](#)  
**Subject:** Re: Northern Market  
**Date:** Monday, July 25, 2016 11:20:09 AM  
**Attachments:** [image001.png](#)

---

Hafa Adai Mr. Mike,

Hope all is well, I am presently off island and hopefully an email update will suffice. I want to update you and the Guam Ancestral Lands Commission (GALC) on our progress relative to our development under the subject lease. As previously reported, we have experienced extraordinary delays due to historical issues relating to the concrete foundations existing on the leased property. Over the past year we have been working with the Department of Parks and Recreation (DPR) to satisfy their requirements for a historical survey (also known as "HABS") but the response from the appropriate government officials has been extremely slow.

In June we finally received responses from DPR which allowed us to obtain proposals from consultants and I am pleased to report that we have committed to retain Mason Architects, Honolulu, Hawaii, to complete HABS documentation that will satisfy the DPR Guam Historic Preservation Office. Despite this additional cost and further delays, we have no option but to comply with the DPR requirements in order to obtain the requisite building permits. Accordingly, we have contracted for the additional consulting work and we anticipate the work to be completed in about four months. At that time, we are confident that we can proceed with a building permit and begin our project.

We are very grateful for the support and patience given by you, the GALC Commissioners and the staff. The delays we have experienced have also been costly to our development team and we are very eager to begin construction.

If there are additional clarifications please don't hesitate to contact me via email, I may be late in response due to limited access to internet whiling travelling .

Sincerely,

Carlos V. Camacho

On Fri, Jul 22, 2016 at 4:15 PM, Michael Borja <[Michael.Borja@land.guam.gov](mailto:Michael.Borja@land.guam.gov)> wrote:

Hafa Adai Carlos,

The Guam Ancestral Lands Commission meets on July 27 and I need, in writing, an update for the status of the Northern Market. The commissioners had provided an extension but we need to provide a status report. Please provide that information by close of business on Monday, July 25.

Thanks,

**MICHAEL J.B. BORJA**

Director, Department of Land Management

Government of Guam

[michael.borja@land.guam.gov](mailto:michael.borja@land.guam.gov)

[\(671\) 649-5381](tel:(671)649-5381)

**Check Your Property On [Guam Land App](#)**



# DRAFT

## I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN 2016 (Second) Regular Session

Bill No. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 AN ACT TO TRANSFER A PORTION OF LOT IDENTIFIED AS  
2 ANDERSEN COMMUNICATION ANNEX NO1 (AJKD),  
3 MUNICIPALITY OF DEDEDO AS SHOWN ON DOCUMENT NO.  
4 660299, MUNICIPALITY OF DEDEDO WITH AN AREA OF  
5 ±70010.616 SQUARE METERS FROM THE GUAM ANCESTRAL  
6 LAND COMMISSION INVENTORY TO THE GUAM  
7 WATERWORKS AUTHORITY FOR THE PURPOSE OF  
8 CONSTRUCTION OF THE EXPANSION OF THE NORTHERN  
9 DISTRICT WASTEWATER TREATMENT PLANT; AND TO  
10 REZONE A PORTION OF LOT IDENTIFIED AS ANDERSEN  
11 COMMUNICATION ANNEX NO1 (AJKD), MUNICIPALITY OF  
12 DEDEDO AS SHOWN ON DOCUMENT NO. 660299 FROM ~~zone~~ TO  
13 PUBLIC FACILITY ZONE (PF).  
14

15 BE IT ENACTED BY THE PEOPLE OF GUAM:

16  
17 Section 1. Legislative Findings and Intent.

18  
19 *I Liheslaturan Guåhan* finds that the 2015 Record of Decision for the Final  
20 Supplemental Environmental Impact Statement for Guam and Commonwealth of the  
21 Northern Mariana Islands Military Relocation identifies mitigation measures needed to address  
22 demands on the Guam civilian water and wastewater infrastructure expected to result from the  
23 relocation of Marines to Guam;

24 *I Liheslaturan Guåhan* finds that an Implementation Plan was developed in 2015  
25 by the Economic Adjustment Committee that supports the preferred alternative for upgrades to the  
26 civilian water and wastewater infrastructure, and that in conjunction with that plan, the Department  
27 of Defense, Office of Economic Adjustment has been authorized to provide the necessary funds to  
28 the Guam Waterworks Authority (GWA) to expand the Northern Guam Wastewater Treatment  
29 Plant.

30 *I Liheslaturan Guåhan* finds that the Department of Defense supports the construction the  
31 upgrade and expansion of the Guam's Northern District Wastewater Treatment Plant such that

# DRAFT

1 required United States Environmental Protection Agency's (USEPA) Clean Water Act (CWA)  
2 requirements and Guam 's water quality standards are met.

3  
4 *I Liheslaturan Guåhan* finds that the Guam Waterworks Authority (GWA) has identified  
5 property, owned by the Guam Ancestral Land Commission (GALC), for the purpose of expanding  
6 and upgrading the Northern District Wastewater Treatment Plan (NDWWTP) to meet the  
7 secondary treatment discharge limits required to comply with the current National Pollution  
8 Discharge Elimination System (NPDES) permit (No. GU0020141) and to handle the additional  
9 flow due to increased military and civilian population expected for the 2020 relocation of Marines  
10 to Guam.

11  
12 *I Liheslaturan Guåhan* finds that the existing wastewater treatment plant presently provides  
13 only Court Ordered chemically enhanced primary treatment (CEPT) without disinfection, that the  
14 upgrade to the NDWWTP will ensure NPDES permit requirements are met for all discharges of  
15 current and future wastewater flows from the proposed build up and increase in civilian  
16 populations in northern Guam., and that the upgrade is necessary to mitigate increases to ocean  
17 discharge which will significantly impact marine resources, and to protect the Northern Guam  
18 Lens Aquifer.

19  
20 *I Liheslaturan Guåhan* finds that Guam Waterworks Authority (GWA) has been working  
21 with the staff of the Office of Economic Adjustment (OEA) and US Environmental Protection  
22 Agency (USEPA) to identify funds for the design and construction of the expansion/upgrade of  
23 the NDWWTP.

24  
25 *I Liheslaturan Guåhan* finds that Guam Waterworks Authority (GWA) has been working  
26 with the staff of the Guam Ancestral Land Commission (GALC) to identify available properties  
27 adjacent to the existing NDWWTP. The GALC supports GWA efforts for improvement to the  
28 wastewater system to meet the growth expected as a result of the military build-up.

29  
30 *I Liheslaturan Guåhan* finds that this project is necessary and will benefit the people of  
31 Guam and intends to authorize the Ancestral Land Commission to transfer 70010.62 square meters  
32 (17.3 acres) to the Guam Waterworks Authority to accomplish the necessary improvements  
33 described above. GWA and GALC have agreed on the basic terms of the transfer to meet the  
34 needs and mandates of both parties, and are committed to finalize compensation to the Guam  
35 Ancestral Lands Commission within one hundred eighty days (180) of the enactment of this Act.

36  
37 **Section 2. Authorization to Transfer Land Identified to the Guam Waterworks**  
38 **Authority.** Notwithstanding any other provision of law, rule or regulation, *I Liheslaturan Guåhan*  
39 authorizes the Guam Ancestral Lands Commission (GALC) to transfer approximately 70010.62  
40 m<sup>2</sup>, of Lot identified as Andersen Communication Annex Nol (AJKD), municipality of Dededo

# DRAFT

1 as shown on Document No. 660299 (see Exhibit A), for the construction of the upgrade and  
2 expansion of the existing wastewater treatment plant, to include the oxidation ditches, odor  
3 control, enhanced headworks, secondary clarifiers, digesters, pumps and associated piping, and  
4 stormwater basins, from the inventory of the Guam Ancestral Land Commission to the Guam  
5 Waterworks Authority. The administrative transfer of property shall become effective upon the  
6 enactment of this Act.

7 (a) Guam Waterworks Authority shall pay for the appraisal of the property by two different  
8 appraisers, one of which shall be selected by the Director of the Department of Land  
9 Management.

10 (b) Guam Waterworks Authority shall have the property surveyed at its own expense and  
11 the surveyed map shall be approved and recorded by the Department of Land Management.

12 (c) Guam Waterworks Authority shall work with Guam Ancestral Lands Commission to  
13 determine an appropriate compensation for the property to include but not limited to land  
14 exchange, in kind services, purchase, or a combination of these options to be approved by  
15 Guam Waterworks Authority (GWA), the Consolidated Commission on Utilities (CCU) and  
16 Guam Ancestral Lands Commission (GALC) and will have one hundred eighty (180) days to  
17 finalize a compensation agreement.

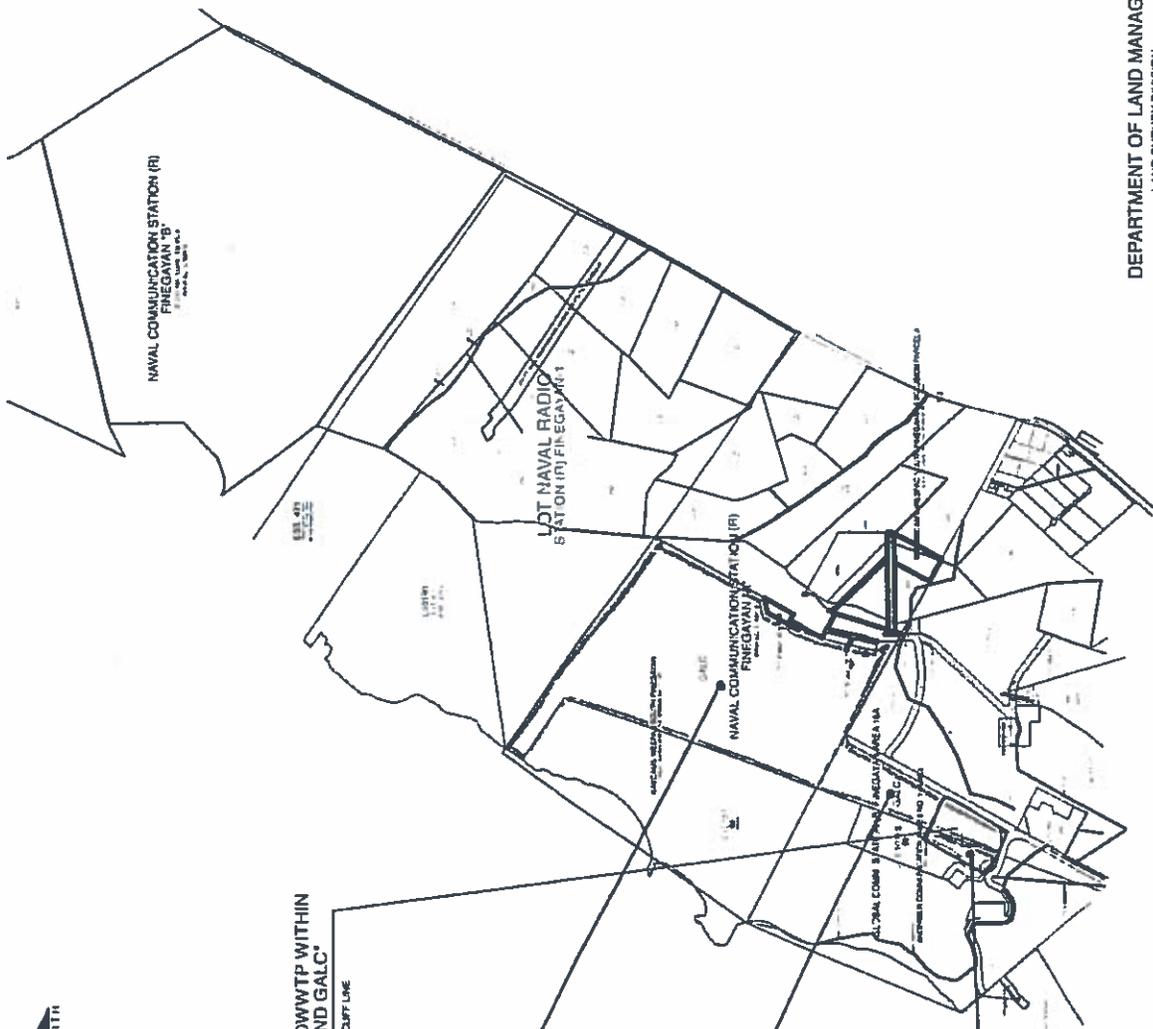
18 (d) Guam Ancestral Lands Commission grants right of entry immediately for GWA to  
19 complete required geotechnical survey, topographic survey, archeological studies, other  
20 required testing and studies, and to initiate design and construction of the expansion of the  
21 NWWTP while both parties are finalizing compensation and the deed is recorded.

22 **Section 3. Zoning Designation.** The portion of Lot identified as Andersen  
23 Communication Annex No1 (AJKD), municipality of Dededo as shown on Document No.  
24 660299 (see Exhibit A), that will be utilized for the expansion of the Northern District Wastewater  
25 Treatment Plant, shall be rezoned from an xxxx Zone (x) to Public Facility Zone (PF) pursuant to  
26 21 GCA, Chapter 61, § 61313.

27 **Section 4. Reversionary Clause Upon Inaction.** The Guam Waterworks Authority must  
28 begin construction of the detention basin within five (5) years from the date of the enactment  
29 of this act. In the event, the Guam Waterworks Authority does not begin construction of the  
30 NDWWTP within the stipulated period, without notice to the Guam Ancestral Lands  
31 Commission, or defaults on the compensation agreement, the property shall revert back to the  
32 Guam Ancestral Lands Commission.

33  
34 **Section 5. Effective Date.** This act shall take effect upon its enactment.

35 **Section 6.** If any of provision of this law or its application to any person or circumstances  
36 is found to be invalid or contrary to law, such invalidity shall not affect other provisions or  
37 applications of this law, which can be given effect without the invalid provisions or application  
38 and to this end the provisions of this act are severable.

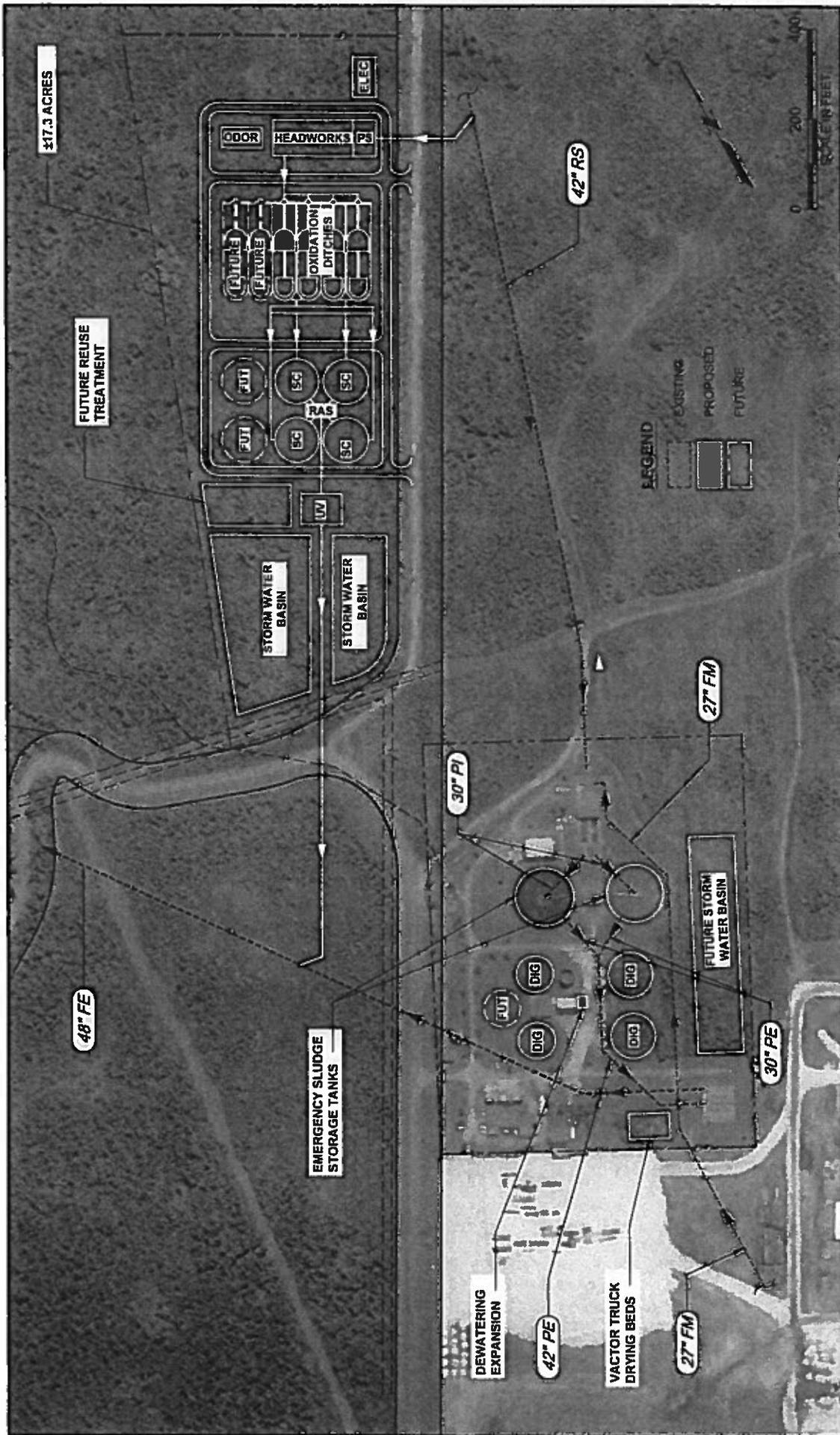


"MAP SHOWING NDWWTP WITHIN LOT 10188 AND GALC"

NAVCAPS WESTPAC SOUTH  
FINEGAYAN  
DOC. 820869

ANDERSEN COMMUNICATION  
ANNEX NO.1 (AJKD)  
DOC. 660299

PORTION OF LOT 10188  
DOC. 855942



17.3 ACRES

FUTURE REUSE TREATMENT

48" FE

EMERGENCY SLUDGE STORAGE TANKS

DEWATERING EXPANSION

42" PE

VACTOR TRUCK DRYING BEDS

27" FM

STORM WATER BASIN

STORM WATER BASIN

FUT

SC

SC

FUT

SC

SC

RAS

FUTURE

FUTURE

OXIDATION

DITCHES

ODOR

HEADWORKS

PS

ELEC

42" RS

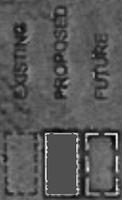
30" PI

27" FM

FUTURE STORM WATER BASIN

30" PE

LEGEND



SCALE: 1" = 200'

DATE: March 11, 2016



NDWWTP FACILITY PLAN  
PRELIMINARY LAYOUT FOR PROPERTY PROCUREMENT - ALTERNATE SITE

FIGURE

4





# GEDA

## Guam Economic Development Authority

*Aturidãd Inadilãnton Ikunumihan Guahan*

EDDIE BAZA CALVO  
GOVERNOR OF GUAM  
I MAGA' LAHEN GUAHAN  
RAY TENORIO  
LT. GOVERNOR OF GUAM  
I SEGUNDO NA MAGA' LAHEN GUAHAN  
JAY ROJAS  
ADMINISTRADOT  
MANA SILVA TAIJERON  
DEPUTY ADMINISTRATOR  
SIGUNDO NA ADMINASTRADOT

### MEMORANDUM

Date: July 27, 2016

To: Executive Director, Guam Ancestral Lands Commission

From: Administrator

Subject: GEDA Progress Report

*Hafa Adai!*

The following is a progress report on GEDA's efforts to manage Land Bank Trust properties as required by Section 1(i) of the MOU between GEDA and GALC Land Bank Trust:

- Apra Harbor Parcel No. 1 (Commissary Junction) – There is no change to the status of this subleased area.
- Apra Harbor Reservation F-12 (Polaris Point) –
  - Matson Navigation Company –
  - Since our last report, Matson has indicated that the contractor is waiting for further federal funding to complete this cleanup although the Navy has not given Matson any indication as to when funding will be provided.
- Portion of Lot Apra Harbor Reservation F-12, Parcel N14-1, Polaris Point – On December 31, 2015 the Sublease Agreement with Knik Constructions was terminated by tenant. GEDA is actively searching for a new tenant for property. GEDA has fielded some interest but due to the concerns of the 5 year law most parties have declined.
- Balli Steel Guam (BSG) – To date, BSG still has a remaining balance of rents owed to the Commission in the amount of \$49,478.39 (including applicable penalties) for the period May 2012 to July 2013. Despite any further action to be taken against BSG, the property is available for lease should the Commission so desire. Our office has made attempts to identify whether BSG is still operating on island. The Department of Revenue and Taxation has indicated that BSG does not have an active business license. In consultation with our Legal Counsel, even if a law suit were pursued, there would be nothing left to collect from a non-existing corporation with no assets.
  - It is GEDA's understanding that a party interested in licensing/leasing this property for use similar to a metal transshipment and storage yard has formally requested to license this property.

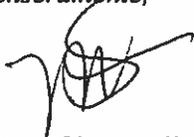




- Brand Inc. – It is GEDA’s understanding that a portion of the property has been licensed by GALC to TransSteel. Our office has made attempts to contact Brand Inc. in efforts to collect arrears owned to GALC. The Department of Revenue and Taxation has indicated that Brand Inc. does not have an active business license. Our office has gotten in contact with a former representative of Brand Inc. They expressed their hardship and GEDA asserted the necessity to pay for arrears. The representative stated that they will make a payment by the end of this year.
- N5D Mangilao (Route 15) – Issuance of a new RFP for the N5D 72-acre parcel is on hold until resolution is reached on the legal dispute between the GALC and WSTCO Quality Feed and Supply. GALC Legal Counsel indicated they would update the Commission on this matter. Any further action is still pending clarification with the AG.
- Wettengel Junction –GALC, in the April Commission meeting, approved the rental abatement till the end of June, 2016. In the formal request for rental abatement, Northern Market has requested the rental abatement till they can obtain the final approval from DPR. In an email to the Director of Land Management, Northern Market has indicated that they are still being delayed by DPR due to historical issues (Historical Survey). In June DPR has allow Northern Market to obtain proposals from consultants to complete the survey. They anticipate that the work will be completed in about four months.
- License Agreements for Tiyan Properties
  - DPHSS WIC Program – GEDA has received the memo from the OAG regarding the use of a MOU over a license. GEDA has prepared the MOU, guided by the recommendations of the OAG, and has submitted it to the Director of Land Management for review.
  - Guam Environmental Protection Agency (GEPA) – GEDA is in communications with GEPA to address these arrears. GEPA’s initial license period has expired as of October 2, 2015. GEPA has expressed interest in possibly acquiring a third party appraisal for the new rate. GEDA has prepared the MOU, guided by the recommendations of the OAG, and has submitted it to the Director of Land Management for review

Should you have any questions, please contact Larry Toves or Dong Choe at 647-4332. *Si Yu'os Ma'ase'* for your continued support in generating revenues for the beneficiaries of the Trust.

*Senseramente,*



**Mana Silva Taijeron**  
Deputy Administrator



Licensee/ Lessee Name	Invoice	Paid	Accounts Receivable	Total			
				Base Rent	Participation Rent		
KNIK	\$ 19,980.00	\$ 19,980.00	\$ -	\$ 15,426.00	\$ 2,574.00	\$ 1,584.00	\$ 396.00
Matson	\$ 323,645.40	\$ 323,645.40	\$ -	\$ 276,343.59	\$ 46,111.01	\$ 952.64	\$ 238.16
DPHSS	\$ 80,692.74	\$ 33,892.75	\$ 46,799.99	\$ 29,046.09	\$ 4,846.66	\$ -	\$ -
GEPA	\$ 256,000.00	\$ -	\$ 256,000.00	\$ 54,848.00	\$ 9,152.00	\$ -	\$ -
Kwikspace	\$ 38,270.68	\$ 37,481.76	\$ 788.92	\$ 28,744.02	\$ 4,796.26	\$ 3,153.18	\$ 788.30
Northern Market	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -













Invoice  
Payment  
Beginning Balance



# GUAM ANCESTRAL LANDS COMMISSION



Eddie Baza Calvo  
Governor

Ray Tenorio  
Lieutenant Governor

Michael J.B. Borja  
Director

David V. Camacho  
Deputy Director

## COMMISSION MEETING / HEARING ATTENDANCE SHEET

DATE: July 27, 2016 TIME: 2pm

PLACE: pum Conf. Rm

Check one:

- Work Session
- Executive Session
- Regular Meeting
- Special Meeting
- Title Hearing
- Rehearing
- Deliberations
- Final Determinations
- Deed Signing
- Other

### PUBLIC SIGN IN SHEET: (OPTIONAL)

NAME

VILLAGE

NAME

VILLAGE

Ricardo Cruz Dededo  
CHARLNE TUDES

MIGUEL BORDALLO Chalan Pago

R. Salas

BOBBIE CRUZ TOTO

Dave Duenas Dededo

\_\_\_\_\_

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1 *I Liheslaturan Guahan* intends to right the wrong by returning the lands to  
 2 the original land owners and/or their heirs. Any further delay would only continue  
 3 the cycle of injustices to these families.

4 *I Liheslaturan Guahan* further intends to transfer the aforementioned  
 5 properties currently in the GCC inventory to the Guam Ancestral Lands  
 6 Commission as the suitable custodian of lands returned from the United States of  
 7 America.

---

8 **Section 2.** A new Subsection (h) is hereby added to §80105 of Chapter 80,  
 9 Division 2 of Title 21, Guam Code Annotated, to read:

10 "(h) GLUP Parcel 1AF, a portion of Andersen Air Force Base  
 11 Communications Annex No. 2-A1KB, consisting of approximately 252.83  
 12 acres, and certain Federal surplus real property located in *Barrigada*, known  
 13 as the NAVCAMS WESTPAC Parcel IN, consisting of approximately 61.45  
 14 acres shall be transferred and dedeed to the Guam Ancestral Land  
 15 Commission (GALC) within thirty (30) days of the enactment of this Act.  
 16 The GALC shall dispose of the land parcels and lots transferred by this Act  
 17 in a manner consistent with and pursuant to its enabling legislation and its  
 18 mandates."

19 **Section 3.** The above mentioned property shall be zoned as Agricultural  
 20 Zone (A).

21 **Section 4.** The Department of Land Management shall plot, plan, design,  
 22 and provide, within sixty (60) days of the enactment of this Act, an aerial overlay  
 23 map delineating all road easements, bull-cart trails, and public access as to  
 24 determine such access or easements location in relation to the return subject lot that  
 25 no lot is landlocked. The overlay shall show all original lot lines generally, and  
 26 shall be transmitted to the Speaker of *I Mina Trentai Unu Na Liheslaturan*  
 27 *Guahan*.



# GUAM ANCESTRAL LANDS COMMISSION



Eddie Baza Calvo  
Governor

Ray Tenorio  
Lieutenant Governor

Michael J.B. Borja  
Director

David V. Camacho  
Deputy Director

## DEED SIGNING/TITLE HEARING/MEETING ATTENDANCE SHEET

DATE: July 27, 2016

PLACE: DLM Conference Room

CONVENED: 2:06 PM.

RECESSED: \_\_\_\_\_

RECONVENED: \_\_\_\_\_

ADJOURNED: 6:46 PM

Check one:

- Work Session
- Executive Session
- Regular Meeting
- Special Meeting
- Title Hearing
- Rehearing
- Deliberations
- Final Determinations
- Deed Signing
- Other (Public Hearing)

NAME:	TITLE:	SIGNATURE:
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### BOARD OF COMMISSIONERS:

		Present	Absent	
1. Anita F. Orlino	Chairwoman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Ronald T. Laguana	Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Maria G. Cruz	Secretary/Treasurer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Ronald F. Eclavea	Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Anthony J.P. Ada	Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Antonio A. Sablan	Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Louisa M. Wessling	Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Yes  No   
 Quorum Confirmed by:

Note here and initial if Board Member on GovGuam work time:

Yes  No   
 RTL

Number of Board Members certified for stipend this meeting:

Confirmed by:

### STAFF and GUESTS:

		Present	Absent	
1. Michael J.B. Borja	Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. David V. Camacho	Deputy Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Margarita Borja	Land Administrator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Matthew Leon Guerrero	Land Agent Supervisor	<input type="checkbox"/>	<input type="checkbox"/>	
5. Jhoana Marie Casem	Land Agent II	<input type="checkbox"/>	<input type="checkbox"/>	
6. Karen N. Charfauros	Land Agent I	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Kristen Finney	OAG - Legal Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. Joe Borja	Senator Tom Ada	<input type="checkbox"/>	<input type="checkbox"/>	

Remarks:

(2014 REV 05/27/2014)



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