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Governor

RAY TENORIO
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DIPATTAMENTON MINANEHAN TÂNO'
(Department of Land Management)

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



MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

GALC COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning
Wednesday, November 18, 2015 | 2:23pm to 5:13pm

I. CALL TO ORDER

Meeting was called to order at 2:11pm by Chairwoman Anita F. Orlino

II. ROLL CALL

Present were Chairwoman Anita F. Orlino, Vice-Chairman Ronald T. Laguana, Secretary Maria Cruz – on leave, Acting Secretary Ronald F. Eclavea, Commissioner Anthony J.P. Ada, Commissioner Antonio Sablan, Commissioner Louisa Wessling- Absent, Director Michael J.B. Borja, Deputy Director David Camacho, Legal Counsel Kristan Finney, Land Administrator Margarita Borja, Karen Charfauros, Land Agent.

Chairperson Orlino: In Compliance with public law 24-109, Guam Ancestral Lands Commission published the public meeting announcement and the title hearing for Lots 5285 and 2173, on Wednesday, November 18, 2015 in the Guam Daily Post on November 10 and November 16, 2015.

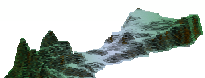
III. APPROVAL OF MINUTES – October 14, 2015

Acting Secretary Ronald Laguana moved to approve the minutes of October 14, 2015 subject to any corrections Commissioner Antonio Sablan seconded the motion. There were no objections, MOTION PASSED.

IV. Title Hearing

A. Lot No. 2173 Barrigada

Chairperson Orlino: The Guam Ancestral Lands Commission is now in session for the purpose of title hearing on Ancestral Lands Claims, the role call was done earlier. The hearing procedures are simple, the commission will call call each applicant. Each applicant will present his/her evidence, questions from the commissioners will be entertained and the pulic will be allowed to make statements on the applications being heard, the Commission will take a vote on the application today, or take the application under advisement and vote later. If we have another lot to hear we will start all over again okay.



So today for Lot Number 2173 Barrigada within federal released parcel Naval Air Station Agana 17 Ostensible land owner at the time of taking was Atanacio Cruz Blas, is the applicant present? Who is bringing the application?

Danny Leon Guerrero: I am madam Chairwoman, members of the committee, Karen, Mr. Camacho, Margaret and all of those who are from Land Management. I am the one bringing this application to you I am representing the son of Atanacio Cruz Blas, Francisco Blas, my brother in law, he has cancer. He is in America being treated for prostate cancer. This a huge blessing that we are here today to return this land back to the family.

Chairperson Orlino: So you are representing the family?

Danny Leon Guerrero: Yes I am Madam Chair.

Chairperson Orlino: Is anyone acting on your behalf today?

Danny Leon Guerrero: Ma'am, I have no one, I am alone.

Ronald Laguaña: There was someone who helped you put this packet together, is it okay if Karen presents this and assists you in this process?

Chairperson Orlino: As facilitator

Ronald Laguaña: Yes as facilitator.

Chairperson Orlino: We would like to recognize our Director, Michael Borja.

Director Michael Borja: I apologize I thought it was at 3 o'clock.

Chairperson Orlino: The Secretary will administer the oath.

Commissioner Ron Eclavea: Please rise, state your name for the record.

Danny Leon Guerrero: Danny Leon Guerrero

Commissioner Ron Eclavea: Raise your right hand. Do you swear that the testimony you are giving today is the truth the whole truth so help you God?

Danny Leon Guerrero: Yes sir.

Commissioner Ron Eclavea: Thank you.

Chairperson Orlino: We will begin the presentation for Lot Number 2173 we have our exhibit package before us, you may begin.

Karen Charfauros: Madam Chair I present lot number 2173 Barrigada the Estate of Atanacio Cruz Blas: Exhibit A, Ancestral Title and Compensation Application of Betty Jane T. Blas, granddaughter-in-law of Atanacio Cruz Blas, representing husband, Francisco E. Blas Jr., original heir and grandson of Atanacio Cruz Blas; Power of Attorney document from husband, Francisco E. Blas Jr.; Affidavit of Applicant; Birth Certificate of Francisco E. Blas Jr.; Birth

Certificate of Francisco E. Blas, father of Francisco Blas Jr.; Birth Certificate of applicant, Betty Jane T. Blas; Marriage Certificate of Betty Jane T. Blas and Francisco E. Blas, Jr.; Family Tree of Atanacio Cruz Blas; Claim of Interest.

Exhibit B, 1941 Tax Roll for Barrigada: Record Owner – Blas, Atanacio Cruz for lot 2173 Barrigada.

Exhibit C, District Court of Guam Judgment for Lot 2173 Barrigada under Civil Case No. 21-50; Declaration of taking, Civil case No. 21-50 showing Atanacio Cruz Blas as original land owner.

Exhibit D, Quitclaim Deed from Federal to Guam Economic Development Authority.

Exhibit E, Quitclaim Deed from Guam Economic Development Authority to Guam Ancestral Lands Commission.

Exhibit F, Surveyor's Certification for Lot 2173 Barrigada from Frank L.G. Castro, registered Land Surveyor #19; Maps of Lot 2173 Barrigada.

Exhibit G, Abstract of Title from Title Guarantee of Guam, Inc. for Lot No. 2173, Municipality of Barrigada.

Chairperson Orlino: Thank you, are there any questions from the commissioners? Commissioner Laguaña?

Commissioner Ronald Laguaña: Are there any children of Atanacio Blas still alive today?

Danny Leon Guerrero: There are only two alive, Frank, who I am representing here and the rest are all in the States. The whole family left for the states in the 1940's.

Commissioner Ronald Laguaña: How are you related to this family?

Danny Leon Guerrero: I am not related to them I am just representing the family because Frank can't be here due to the Cancer.

Commissioner Ronald Laguaña: I see. And what about Betty Jane?

Danny Leon Guerrero: She is taking care of her husband Frank, who has prostate cancer.

Chairperson Orlino: Commissioner Ada, you have a question?

Commissioner Anthony Ada: Did Betty Jane ask you to come here?

Danny Leon Guerrero: Yes, yes.

Commissioner Anthony Ada: Did she give you any kind of paper that we can attach to this?

Danny Leon Guerrero: Yes we do have that and we can attach it. Both Betty and Frank were here in March prior to learning Frank had cancer. They were both here and they meet with Mr. Camacho.

Commissioner Anthony Ada: This map, is this a new road? The one across from Cars Plus?

Commissioner Ronald Laguaña: Where is the map? No, this is the road near Happy Mart
Commissioner Ada.

Danny Leon Guerrero: The tri-intersection there by the two gas stations and Happy Mart.

Commissioner Anthony Ada: Oh! Okay. Across the gym and the Gate Theatre.

Commissioner Ronald Laguaña: Yes.

Danny Leon Guerrero: You got the right area, it's similar to the Cars Plus area.

Commissioner Ronald Laguaña: Is there a structure in the area?

Danny Leon Guerrero: No, there is none. This is front of the Gate Theatre; there was a mechanic shop in this area before.

Deputy Director David Camacho: There was a GPD mechanic shop there before. Just to let the family know, the Board, Ancestral lands Commission granted an easement to the property of Rios.

Chairperson Orlino: You are aware of that? We did this so the family wouldn't be land locked.

Danny Leon Guerrero: Yes, the family is aware of this.

Deputy Director David Camacho: It starts at Naval Air Station; it was a 40 feet easement toward the Rios property.

Commissioner Ronald Laguaña: Which is across the Fire Station right?

Deputy Director David Camacho: Yes.

Commissioner Ron Eclavea: But this is inside the fence right?

Deputy Director David Camacho: Yes.

Commissioner Ron Eclavea: May I ask, what was the hold up in the application?

Danny Leon Guerrero: The family left in the thirties or forties Commissioner, no one took an interest about it and Betty Jane fought with Frank Blas for five or six years. In February of this year I told Frank he had to do something about it, they didn't care because they left the island seventy or eighty years ago and they had no interest.

Deputy Director David Camacho: This is the property madam chair that we have been trying to locate the family for three years.

Danny Leon Guerrero: They forgot about the land, they had no interest.

Commissioner Ronald Laguaña: So who will inherit the property?

Danny Leon Guerrero: It will go to the estate of Atanacio Blas, Attorney Berman will handle the probate. I have no interest here I am merely representing the family, Frank Blas and Betty Jane. Their lawyer will handle this case and if the Board sees fit to award the land to the estate of Atanacio then Attorney Berman will take over from there.

Chairperson Orlino: We are going to award the land back to the family.

Danny Leon Guerrero: So the family doesn't spend additional money on lawyer fees I am helping by representing them today.

Chairperson Orlino: Any other questions? Deputy Director.

Deputy Director David Camacho: This is just a reminder that the applicant will be charged, I believe, \$25.00 dollars, for deed recordation, \$27.50 total per lot and can be a personal check or money order payable to the treasurer of Guam. After the publication of award there is a ten days grace period so if there is any contest from any individual we will then set a deed signing with the Governor, that will be ten days after the first publication.

Danny Leon Guerrero: I can make that payment on behalf of the family.

Deputy Director David Camacho: That will take place at the deed signing.

Danny Leon Guerrero: oh okay!

Chairperson Orlino: That will take place at the deed signing. Are there any other questions? Commissioner Sabla?

Comissioner Antonio Sablan: Danny, do you have any interest in this land like an option to purchase?

Danny Leon Guerrero: None, I am just assisting the family.

Comissioner Antonio Sablan: And your authorization, you will submit it?

Danny Leon Guerrero: Yes, I will.

Chairperson Orlino: So if there are no other questions, if there is anybody here that wants to make a statement contravening the evidence presented or is in disagreement with the applicants claim of ancestral lands ownership today?

Commissioner Ron Eclavea: None

Chairperson Orlino: if any protest is registered, formal submittal is required. If petitioner does not have transmittal letter of their protest, staff can provide a form. All protest must be turned over to the director who will direct staff to officially receive the documents. Staff will return the documents to the Director who will present them to the commission for further review.

It is the Commission's discretion to entertain a verbal protest within the title hearing, however, documentation will still be required if the petitioner desires to invoke protest within the 1 – 10 day appeal period after the Commission's final written decision and order of the applicants claim is

issued. If resolution is not reached between the parties prior to the issuance of the Commission's final written Decision and order, and the petitioners in fact submits formal protest, a rehearsing must be called and prompt response issued. Every person coming before the Commission's must be sworn in by the Secretary, as directed by the Chair.

Commissioner Ronald Laguaña: Madam Chair, I move we approve this lot 2173, the estate of Atanacio Cruz Blas based on the evidence presented; Exhibit A, the application of Betty Jane Blas; based on the power of attorney from Francisco Blas Jr. to his wife Betty Jane Blas; based on the Affidavit of Applicant;

The Birth certificate of Francisco E. Blas Jr. and the birth certificate of Francisco E. Blas; based also on the birth certificate of Betty Jane T Blas; also based on the marriage certificate of Francisco T. Blas Jr. and Betty Jane Blas; the family tree of Atanacio Cruz Blas; and the Claim of Interest Application.

Additionally, the 1941 Tax Roll that states the property belong to Atanacio Cruz Blas;

Exhibit C, District Court of Guam Judgment for Lot 2173 Barrigada under Civil Case No. 21-50; Declaration of taking, Civil case No. 21-50 showing Atanacio Cruz Blas as original land owner.

Exhibit D, Quitclaim Deed from Federal to Guam Economic Development Authority.

Exhibit E, Quitclaim Deed from Guam Economic Development Authority to Guam Ancestral Lands Commission.

Exhibit F, Surveyor's Certification for Lot 2173 Barrigada from Frank L.G. Castro, registered Land Surveyor #19; Maps of Lot 2173 Barrigada.

Exhibit G, Abstract of Title from Title Guarantee of Guam, Inc. for Lot No. 2173, Municipality of Barrigada.

Commissioner Ron Eclavea: I second the motion.

Chairperson Orlino: We now vote, Commissioner Ada?

Commissioner Anthony Ada: Approved.

Chairperson Orlino: Commissioner Sablan?

Comissioner Antonio Sablan: Approved.

Chairperson Orlino: Commissioner Laguaña?

Commissioner Ronald Laguaña: Approved.

Chairperson Orlino: Commissioner Eclavea?

Commissioner Ron Eclavea: Approved.

Chairperson Orlino: I approve this Lot 2173 be given to the ostensible landowner Atanacio Cruz Blas.

Danny Leon Guerrero: Thank you very much Commissioners, Madam Chair, Mr. Camacho, Mr. Borja, Karen, thank you all.

Chairperson Orlino: The office of Ancestral Lands will be calling you for the

Danny Leon Guerrero: The \$27.00 dollars

Chairperson Orlino: No, the deed signing date.

Danny Leon Guerrero: I will advise the family so that they may come for the ceremony date.

Commissioner Ronald Lagaña: That would be very nice

Danny Leon Guerrero: It should be Frank to sign anything anyway not me.

Commissioner Ronald Lagaña: The Governor will sign the documents and that guarantees the legitimacy of the transfer.

Danny Leon Guerrero: How much time until the deed signing so I can prepare the family? When one is sickened with Cancer they need time to plan and prepare and he needs assistance to travel here and to see the Governor.

Deputy Director David Camacho: Three weeks.

Director Michael Borja: Or we can set it up for when they can be here.

Danny Leon Guerrero: No Sir, you set it up, three weeks is okay.

Director Michael Borja: Let's do it after Christmas.

Deputy Director David Camacho: The only thing that will hold it up is the ten days grace period. We could set it up

Commissioner Ronald Lagaña: We need to give other family members the chance to come forward and make their claim.

Chairperson Orlino: We just need to give the ten day grace period to give anyone a chance to contest.

Danny Leon Guerrero: So this is a notice to the public to have anyone who have an interest to come forward rather than them say that they have been cheated.

Commissioner Ronald Lagaña: Yes, that's correct.

Danny Leon Guerrero: Thank you.

Chairperson Orolino: I would like to recognize our legal counsel, Kristan Finney. This meeting will now go into Lot number 5285, Barrigada within Federal parcel release Radio Barrigada A-7, ostensible landowner at the time of taking is Josefa Torre Villagomez.

The Guam Ancestral Lands Commission is now in session for the purpose of title hearing on Ancestral Lands Claims, the role call was done earlier. The hearing procedures are simple, the commission will call each applicant. Each applicant will present his/her evidence, questions from the commissioners will be entertained and the public will be allowed to make statements on the applications being heard, the Commission will take a vote on the application today, or take the application under advisement and vote later.

So today for Lot Number 5285 Barrigada within federal released parcel Radio Barrigada A-7 Ostensible land owner at the time of taking was Josefa Torre Villagomez, is the applicant present? Who is bringing the application?

Danny Leon Guerrero: Julia Manley Villagomez.

Chairperson Orolino: Is there anyone acting on your behalf? The facilitator of the Guam Ancestral Lands Commission

Chairperson Orolino: The Secretary will administer the oath.

Commissioner Ron Eclavea: Please rise, state your name for the record.

Julia Manley Villagomez: Julia Manley Villagomez.

Danny Leon Guerrero: Danny Leon Guerrero.

(Sitting in the group was Jose Villagomez, wheel chair bound).

Commissioner Ron Eclavea: Raise your right hand. Do you swear that the testimony you are giving today is the truth the whole truth so help you God?

Danny Leon Guerrero: Yes sir.

Julia Manley Villagomez: Yes.

Commissioner Ron Eclavea: Thank you.

Chairperson Orolino: We will begin the presentation for Lot Number 5285 we have our exhibit package before us, you may begin.

Karen Charfauros: Madam Chair I present lot number 5285 Barrigada the Estate of Josefa Torre Villagomez: Exhibit A, Ancestral Title and Compensation Application of Julia Manley Villagomez, daughter-in-law of Josefa Torre Villagomez; Affidavit of Applicant; Claim of Interest of Applicant recorded with DLM, instrument number 787132.

Exhibit A-1: Ancestral Title and Compensation Application of Daniel Villagomez Leon Guerrero; Affidavit of Applicant; Birth Certificate of Applicant; Death Certificate of Applicant, Maria

Villagomez Leon Guerrero, daughter of Josefa Torre Villagomez; Family Tree of Josefa Torre Villagomez; Claim of Interest of Applicant instrument number 878235.

Exhibit B, 1941 Tax Roll for Barrigada: Record Owner – Villagomez Josefa Torre for lot 5285 Barrigada.

Exhibit C, District Court of Guam Judgment for Lot 5285 Barrigada under Civil Case No. 34-50; showing Josefa Torre Villagomez 1/3 interest as original land owner; Declaration of taking, Civil case No. 34-50.

Exhibit D, Quitclaim Deed from Federal to Guam Economic Development Authority.

Exhibit E, Quitclaim Deed from Guam Economic Development Authority to Guam Ancestral Lands Commission.

Exhibit F, Surveyor's Certification for Lot 5285 Barrigada from Frank L.G. Castro, registered Land Surveyor #19; Maps of Lot 5285 Barrigada.

Exhibit G, Abstract of Title from Title Guarantee of Guam, Inc. for Lot No. 5285, Municipality of Barrigada.

Chairperson Orlino: Are there any questions from the Commissioners?

Commissioner Ron Eclavea: Yes, how do we reconcile the lot number with the Tax Roll? I see that it is on the Abstract.

Commissioner Ronald Laguaña: As Bekao.

Commissioner Ron Eclavea: As Bekao? I see Luayao.

Commissioner Anthony Ada: Luayao and Adacao are the only two I see here.

Commissioner Ronald Laguaña: Translated it means to borrow.

Commissioner Ron Eclavea: On the property map it is showing lot 5285 on the Abstract dated in 1952.

Commissioner Ronald Laguaña: Danny have you ever heard the area being referred to as Luayao?

Danny Leon Guerrero: No, I have not.

Commissioner Ronald Laguaña: How about you Auntie (Julia Manley Villagomez) have you ever heard the area referred to as Luayao?

Julia Manley Villagomez: No.

Commissioner Ronald Laguaña: It is important that we know this because these are the original names.

Deputy Director David Camacho: Most of the property up there have different names.

Danny Leon Guerrero: It is important that we are educated regarding these names because we have among us a ninety year old heir who himself is not familiar with the name(referring to Jose Villagomez).

Commissioner Ronald Lagaña: He has never heard of it?

Danny Leon Guerrero: No he has not.

Commissioner Ronald Lagaña: Danny what are you to Maria Leon Guerrero?

Danny Leon Guerrero: That's my mother.

Deputy Director David Camacho: in the Abstract of Title it is listed in the tax roll certified by the title company that the property, Luayao, was registered to Josefa Torre Villagomez.

Commissioner Ron Eclavea: What page?

Deputy Director David Camacho: Page 5 of 8 it was certified by the title company.

Commissioner Ronald Lagaña: 1938? But this land area is bigger.

Danny Leon Guerrero: It is actually 1/3.....

Chairperson Orlino: It's just a portion of.

Danny Leon Guerrero: Because it is convenient, we have our elder here we should move forward because we have the son of the heir here with us today and he is ninety years old.

Commissioner Ronald Lagaña: Is this him? The son of the heir, Jose Villagomez?

Julia Manley Villagomez: He is the only one alive.

Commissioner Ronald Lagaña: Wow! He is the only one alive! Then lets hurry this up

Commissioner Anthony Ada: Dan, you are the grandson right?

Danny Leon Guerrero: Yes.

Commissioner Anthony Ada: This says 1/3 interest is it 1/3 interest of the five hectares?

Danny Leon Guerrero: No, there are others of the 1/3 I am still doing my research on Lot 5285, the original land taking was 11.2 million square meters that comprises of multiple families. However it appears there is an additional 50, 60, 70 hectares that I am still researching further. We don't know how long that will take but in the meantime while there is no dispute on this 5285 and in the best interest in the lone survivor it is very appropriate for us grandkids to see this through.

Commissioner Anthony Ada: There are two primary lots here for Josefa Torre Villagomezng at this and are you looking at the area of Luayao or Adacao?

Danny Leon Guerrero: Luayao.

Commissioner Anthony Ada: Adacao located somewhere else.

Danny Leon Guerrero: Land Management has not assigned the lot number yet.

Commissioner Anthony Ada: My other question is the claim of interest by Ms. Julia in 2009 and your claim of interest this year, it's the same thing right?

Danny Leon Guerrero: It's the same thing I just wanted to expedite the process.

Commissioner Anthony Ada: I just wanted to know why there was a second claim of interest.

Ms. Julia Manley Villagomez: You ask a good question. The only thing that is holding this is the death certificate of my mother in law according to Mr. Terlaje. He was there at the first meeting but he relinquished his rights because he was already showing signs of Alzheimer's and dementia.

Commissioner Anthony Ada: You mean Mr. Villagomez?

Ms. Julia Manley Villagomez: Yes. That is why he gave me full authorization to be the administrator

Commissioner Anthony Ada: Since 2009?

Ms. Julia Manley Villagomez: Yeah. When you were down at Anigua.

Commissioner Anthony Ada: The two claims of interest, is that really necessary?

Chairperson Orlino: It not necessary.

Deputy Director David Camacho: It's not necessary who files a claim of interest it's up to the board to decide.

Commissioner Anthony Ada: I just wanted to make sure it's the same property.

Danny Leon Guerrero: I just expedited the surveyor's certification and the Abstract of Title.

Ms. Julia Manley Villagomez: The title research was already done, I did it and you did another one.

Commissioner Anthony Ada: Lot 5285 is going in toward the golf course?

Danny Leon Guerrero: Yes

Commissioner Ronald Lagunaña: Behind the golf course. This is a large piece of property.

Danny Leon Guerrero: according to our research this is only 1/3 of 50, 60, 70 hectares

Commissioner Ron Eclavea: Just to clarify claims of interest, there is nothing to stop anybody from filing a claim whether they have real interest or not and actually the only person that can remove that is the person that filed the claim of interest. Whether it puts a cloud on the title I don't think so.

Comissioner Antonio Sablan: I see her on the map that there is an easement, has this been approved? I don't want to create a land lock situation.

Deputy Director David Camacho: This map has already been released an approved. The property owner of this portion gave up a certain portion so they wouldn't be landlocked, you see the cul de sack, the easement has already been given up so if lot 5285 is going to be subdivided they have to provide easement so others will not be landlocked.

Comissioner Antonio Sablan: So this easement is an official easement?

Deputy Director David Camacho: Yes.

Ms. Julia Manley Villagomez: In our first meeting we understood that we where land locked, when was this approved?

Deputy Director David Camacho: Let me clarify, this easement is for another property not yours. But when they subdivide their property they have to provide easement so you wont be land locked. Just to also clarify Madam Chair, there is still some portion of the property under the golf course that is not released.

Ms. Julia Manley Villagomez: the last meeting we had there was 1/3 that the federal did not release, something like that.

Deputy Director David Camacho: It will show when the survey gets done.

Commissioner Anthony Ada: This property is back there where Kinney's café use to be?

Deputy Director David Camacho: All the easement down toward Kinney's Café has been approved.

Commissioner Anthony Ada: This is where the hydroponic farm is at?

Chairperson Orlino: Does anyone have any other question? So if there are no other questions, if there is anybody here that wants to make a statement contravening the evidence presented or is in disagreement with the applicant's claim of ancestral lands ownership today? No.

if any protest is registered, formal submittal is required. If petitioner does not have transmittal letter of their protest, staff can provide a form. All protest must be turned over to the director who will direct staff to officially receive the documents. Staff will return the documents to the Director who will present them to the commission for further review.

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appeal period after the Commission's final written decision and order of the applicants claim is issued. If resolution is not reached between the parties prior to the issuance of the Commission's final written Decision and order, and the petitioners in fact submits formal protest, a rehearing must be called and prompt response issued. Every person coming before the Commission's must be sworn in by the Secretary, as directed by the Chair.

We can go ahead and make a motion.

Commissioner Ron Eclavea: Madam chair I would like to go ahead and make a motion for the applicants title to Lot 5285 Barrigada the estate of Josefa Torre Villagomez Exhibit A, the applications;

Eshibit B, the 1941 Tax Roll that states the property belongs to Josefa Torre Villagomez;

Exhibit C, District Court of Guam Judgment.

Exhibit D, Quitclaim Deed from Federal to Guam Economic Development Authority.

Exhibit E, Quitclaim Deed from Guam Economic Development Authority to Guam Ancestral Lands Commission.

Exhibit F, Surveyor's Certification for Lot 5285 Barrigada from Frank L.G. Castro, registered Land Surveyor #19; Maps of Lot 5285 Barrigada.

Exhibit G, Abstract of Title from Title Guarantee of Guam, Inc. for Lot No. 5285, Municipality of Barrigada.

Commissioner Ronald Laguaña: I second the motion.

Chairperson Orlino: Seconded by Commissioner Laguaña. We will go ahead and vote on this application. Commissioner Ada?

Commissioner Anthony Ada: Approved.

Chairperson Orlino: Commissioner Sablan?

Comissioner Antonio Sablan: Approved.

Chairperson Orlino: Commissioner Laguaña?

Commissioner Ronald Laguaña: Approved.

Chairperson Orlino: Commissioner Eclavea?

Commissioner Ron Eclavea: Approved.

Chairperson Orlino: Deputy director?

Deputy Director David Camacho: Madam Chair I would also like to add they when they get this surveyed they have to provide an easement to the property in the back.

Chairperson Orlino: And also will it show in the deed?

Commissioner Ron Eclavea: It will show in the deed.

Chairperson Orlino: I also approve this Lot 5285, this motion carries, the return of this land to ostensible land owner, Josefa Torre Villagomez. Thank you.

Danny Leon Guerrero: I am rushing this because we have one elder among us who is the living heir to this property and I am rushing this for him.

Chairperson Orlino: We will take a ten minute break.

V. Old Business-GALC Rules and Regulations

Chairperson Orlino: This meeting will now reconvene. We move into old business, the rules and regulations will be tabled and we will bring up GEDA.

Commissioner Antonio Sablan: Can I ask why we are tabling it?

Commissioner Ron Eclavea: It is not prepared.

Chairperson Orlino: We will go ahead for GEDA's presentation.

Mike Cruz: First of, I want to apologize that Diego and Larry cannot be here to make the presentation with me today is Dong Choe, he is a new staffer with GEDA and he is working on Ancestral Lands and Chamorro Land Trust and GEDA properties, so he will be attending meetings in the future as well. I believe you have our report in front of you and I apologize that it is not signed but it will be and we will deliver the signed copy to you. Basically I will just run down the list.

KwikSpace – there are no changes they are current with their monthly payments.

Matson- also no changes, the Navy is still working on the environmental.

Knik is one of the main reasons why we are here today, they have given us written notice that they will end their lease the end of December. They have a five year lease with the option to renew the five year expires the end of next month and they have decided not to renew.

Director Michael Borja: What was the lot size?

Dong Choe: It was a \$1,000 per square meter, I believe it was 5,000 square meters. I know we receive \$5,000 dollars.

Commissioner Ron Eclavea: For three acres?

Dong Choe: I know we receive \$5,000 dollars for the three acres.

Commissioner Anthony Ada: What was your name again?

Dong Choe: Dong, D, O,N, G.

Commissioner Anthony Ada: Dong you are sure it is \$5,000?

Dong Choe: Yes.

Commissioner Anthony Ada: I am looking at the spreadsheet here and it showing an \$18,000 payment.

Dong Choe: I am sorry it is 6,000 square meter per 1,000 square meter.

Mike Cruz: The Commission will lose out on \$6,000 a month. So what we would like to do Madam Chair is there are people that have already heard that Knick is not going to renew and we would like the Commission's permission to prepare the RFP to obtain a new tenant in order to minimize the amount of time the Commission will lose rent.

Commissioner Anthony Ada: Mike, do they have equipment on the lot? They are processing aggregate right?

Mike Cruz: Yes and they also allow a company to store equipment there as well and they also pay the Commission participation rent.

Commissioner Anthony Ada: would it be a good idea to entertain keeping the equipment there for somebody else. What are they going to do with the equipment are they going to ship it back?

Dong Choe: Not sure. According to the contract they have until the expiration of their lease to remove all the equipment after that according to the contract, we have to keep it in storage until they claim it. but any hard construction like storage that they made that's going to stay with them.

Commissioner Ron Eclavea: We do have a security deposit that takes care of restoring it back to the way it was.

Mike Cruz: There is an requirement for them to perform an environmental

Commissioner Ron Eclavea: To restore it back to the way it was.

Mike Cruz: I think the only improvement they made was the fence but as far as any heavy equipment we can ask them what their intents are, is it the Commissions desire to keep these equipment?

We have Knik vacating and the portion being used by Transteel and you have Bali maybe we can release an RFP for the entire area and see what kind of takers we can get in addition to those who have expressed an interest. And we did ask that company that expressed an interest if they wanted the whole piece but they are only interested in the Knik area.

Commissioner Anthony Ada: With the build up back on track maybe we can get

Mike Cruz: At least with the RFP we can get a sense of what the interest might be out there.

Chairperson Orlino: They are quarterly payers right?

Mike Cruz: Yes.

Chairperson Orlino: And you say they are all up to date with payments does that include October, November, December?

Mike Cruz: No, they haven't paid that.

Dong Choe: I believe they paid a full amount for December.

Chairperson Orlino: So that payment came in? They paid up to December?

Dong Choe: We go through a whole lot of these every month so.....

Commissioner Antonio Sablan: Madam Chair, do we have a copy of the lease agreement with Knik.

Chairperson Orlino: We have it on file because GEDA provides us with all this stuff.

Commissioner Antonio Sablan: I would like to have access to this and read it.

Chairperson Orlino: Commissioner Sablan would like access to this agreement.

Deputy Director David Camacho: We could provide it.

Mike Cruz: We can provide that for you.

Commissioner Antonio Sablan: Is it a standardized format?

Mike Cruz: Basically yes. We have fact sheets that summarize each of these leases.

Chairperson Orlino: That's good

Commissioner Antonio Sablan: I would like to jump on Mr. Dong here, the next time we have a meeting I want to hear "you know" I don't want to hear "I believe". I understand that he is new but this is where we also have to answer to the public so I need to know that you know.

Dong Choe: I apologize.

Mike Cruz: I need to say this that I have been involved with this much longer than he has and I too need to make sure that I am coming to you with the correct information so I may come back to you at some later date because there is a lot of information that we work on over at GEDA.

Commissioner Antonio Sablan: Mr. Cruz next time you come you need to know.

Mike Cruz: Yes sir.

Chairperson Orlino:
The accessibility of all the leases should be readily available. Commissioner Ada?

Commissioner Anthony Ada: The question I have is are they prepaid for the next three months or not we don't know that yet? Dong are you the one that prepared this worksheet?

Dong Choe: That was prepared by our accounting department.

Commissioner Anthony Ada: Turn to the page that has half on it. it starts with Kik payment was received October 2, 2014 should that be 2015?

Mike Cruz: These probably need to be labeled better.

Commissioner Anthony Ada: It is not sorted by date right?

Mike Cruz: It sorted by AE

Commissioner Ron Eclavea:
It sorted by what?

Commissioner Anthony Ada: I am just looking at Knik \$18,000, I was asking if 10/2/2014 should be 10/2/2015 because the entry beneath it is 10/2/ 2015 for KwikSpace.

Chairperson Orlino: Check Mr. Dong if they are paid up for the three month.

Dong Choe: I will let you know.

Mike Cruz: You know Madam Chair, we are good at making sure we get paid and Knik is good about payment.

Chairperson Orlino: I am just curious because their lease ends December 31.

Mike Cruz: We will clarify that.

Chairperson Orlino: That way we don't have to worry not like what we are doing now for Bali Steel.

Commissioner Anthony Ada: I still have a question regarding the worksheet, it is sorted by what again? Because the first worksheet is goes from fiscal year 2007 but the other sheet, which is much shorter is showing fiscal year 2007 and fiscal year 2016.

Dong Choe: The actual worksheet is 8 pages long from the very beginning from 2007 to present I think what happened was when this printed out the chronology got mixed up we just wanted to keep it on a shorter time frame and it might have gotten mixed up

Commissioner Anthony Ada: Then the label in the bottom is wrong.

Dong Choe: The label in the bottom is absolutely correct, from 2007 to 2015 that is what the total is. The actual spreadsheet is 8 pages long from 2007 to 2015 and we tried to pull out FY2014 and FY 2015 so we don't have to print all 8 pages.

Commissioner Anthony Ada: The next page is 2007 and 2016 right? How come you randomly picked dates and company? This one here is suppose to be more than this one here?

Mike Cruz: Yes. You are saying 2016 should be newer than 2015 right?

Commissioner Anthony Ada: Okay, the one that is printed front and back when you go to the back it say 2077 to 2015 all the way to the right where it says GALC share the bottom there, it is not in bold, \$3,253,371.94 this one is shorter than 2007 to 2016 which is \$3,401,485.57

Mike Cruz: Yes you can say that.

Commissioner Anthony Ada: About \$148,000.

Director Michael Borja: May I just put something in, I have my own financial person upstairs doing this because Ancestral lands Commission has to be audited by the Public Auditor and we are getting ready for that coming next month. I would like for my financial person to get with someone to get the full unadulterated data so we can input it into our accounting system so we can present the data in a format as well that shows everything financially as part of the write up from the auditor.

Dong Choe: The full receivables we get I know I sent that to someone in your office.

Director Michael Borja: Okay I will be working with him to have this produced by vendor, by date, something that can be easily read you know I don't see here a vendor name only a description and the description is always something different you have different versions of Knik, even Matson, so if it is sorted out by the lease name I am sure we can see it as one big picture to read.

Mike Cruz: In total we have collected 4.2 million dollars

Director Michael Borja: And that's the kind of stuff the auditor is going to be looking at.

Back to this half pager, looking across the top there where you have Total fiscal year 2007 to 2015?

Mike Cruz: Where?

Commissioner Anthony Ada: Look at the top of the page where you have the totals. Now everything at the bottom is totaled again. So the total at the top plus everything in between makes the total at the bottom right? It should, so this accounts for fiscal year 2015 from September to October ,and 2016 just started in October if that's the case then that date of 10/2/2014 Knik's lease for October 2014 that should have happen in the photo above it.

Mike Cruz: It should have been in the prior spreadsheet.

Commissioner Anthony Ada: And add to the \$18,000 year.

Mike Cruz: That is something we need to take a look at madam chair we need to screen this better to ensure we are not duplicating things.

Director Michael Borja: I don't think something wrong I think it just the presentation. I think some of it might have been retracted out when they were reducing the payments.

Mike Cruz: I understand what Commissioner Ada is saying. We will work on this Madam Chair.

Commissioner Antonio Sablan: In light of that I would like to see a couple of columns there number one at the beginning of the fiscal year whatever you are going through, accumulated total rent payment, I like to see if it is for a quarter payment or monthly payment, so we can easily conclude, and how much we received and when is the due date and what amount we received up to date for that particular year.

Chairperson Orlino: Let us say you receive that check for \$18,000, do you wait for other payments

Dong Choe: I believe Knik wire us the payment, GEPA gives us a check from DOA so the method of payment varies from each tenant we have and it is different from one tenant to the other, I am not sure what your question is.

Chairperson Orlino: My question is, do you wait for other payments before you pay us? Do you deposit one check and wait for other checks, collect all of them before you pay us?

Mike Cruz: Let me answer that. The MOU requires us to remit payment within 20 days upon receipt, if for example we receive a payment from Knik of \$18,000, then days later we receive the Matson payment then we have 20 days after that, so we are cutting checks and we are looking at the workload of our staff but right now the MOU requires us to remit payment within 20 days upon receipt.

Director Michael Borja: What we noticed is when we get payment notices the check would be inclusive of a number of checks over a period of time and that is where our concern is, we just receiving payments that were received over the course of several months. And the 14.3% over the course we want to see a much better report while you are managing the accounts for us the price that we pay it makes sense that we get something more sensible.

Dong Choe: GEPA for example pays six months at a time they have arrears for many months and then they pay all at once.

Director Michael Borja: I understand that and that is what we should see in that check but when a check comes in and it's for six digits there is a whole bunch of activity that is done over a course of time that's when we are concern, it could have been in our bank account and those are the concerns the public auditor is asking, where is all that money going? They look at the MOU and it says twenty days they ask "what are you doing about this"? They question the services provided for the fee we pay. We have to answer to their findings.

Commissioner Antonio Sablan: And that is why those extra columns are necessary, when you receive that payment and what is the amount, so we can look at our spreadsheet and could anticipate what are our expectation, when did we receive that, and quite frankly I would like to see that payment within the 20 days, if 15 companies are paying don't wait for all companies to pay you, we want our money now

Chairperson Orlino: If you receive it by November 10th by the 30th is the twentieth day for example in between, KwikSpace pays on the 11th or 12th do you wait? Then another company pays do you wait until you get that and you lump it?

Dong Choe: Like the Director says, if we get three or four checks we pay that all at once.

Chairperson Orlino:

So you will pay on the 30th like these others you receive payments afterward, you pay December 1st because of the MOU.

Dong Choe: I think I will talk to our accounting department because they are the ones that handle these spreadsheets and handle all the transmittal of the money, we will try and figure out how to handle the transmittal and address the Director's concerns.

Chairperson Orlino: We would like to receive these payments on the 20th day, okay.

Commissioner Anthony Ada: Mike, I acknowledge that there some work to be done here but I have a couple of questions. The receipt number scheme here starts with a dash and some to me look like a date with a "w" at th end and I am looking at this sheet the one that is full that has a front and back. I am going to direct the question to you Dong since you are being baptized today.

Diego is still doing this.

Commissioner Anthony Ada: You can write down the question you don't have to answer. You said Knik makes their payment ACH, five and six from the bottom, you see that column for receipt number it does describe it as ACH but they are both date April 2, 2015, did Knik pay us twice? There is \$18,000 twice, both the same date. If you go up to the very top there on the same page October 2, 2014, 100214k, with a small "k" sometimes it's a big "k". Knik Construction paid for October to December and the next payment is coming up now let's go up to the next page dated 10/2/2014, 100214K with a big "k". it seems someone has two different worksheets: one describes October 2014 and the other describes October through December 2014 so there are two different worksheets working here. And in the description you have to have the same spelling so we can sort it, so I think the copies they gave to us are two different sets.

I know Knik because I was here when they started their lease and I know they pay every three months but Tun Antonio does not know.

Commissioner Antonio Sablan: On the next report we need to see the frequency of payments and what is the latest payment that we received.

Commissioner Anthony Ada: I don't know who is issuing the receipt numbers because there are different schemes.

Dong Choe: It is possible because they had a local office but they closed it.

Chairperson Orlino: Well, the next statement will show changes right.

Commissioner Anthony Ada: With the build up back on track, that's why they came out here in the first place.

Director Michael Borja: Well, I think there is a connection between them and CLTC potential commercial leases being cancelled so I think that is why. The rules and regulations for commercial leases cancelled all transactions that were pending.

Commissioner Ron Eclavea: That was one of the reasons they wanted to stay,

Director Michael Borja: Right! They were going to do mineral extraction

Commissioner Ron Eclavea: They don't want to stick around and try it again.

Director Michael Borja: Well, it will be another six months before we can get it going again.

Commissioner Anthony Ada: They were good customers .

Commissioner Ron Eclavea: But I don't think they were not doing do hot on the bids that's why.

Chairperson Orlino: Shall we continue, Commissioner Eclavea you have a question?

Commissioner Ron Eclavea: Regarding the RFP for Polaris the three acres, are you saying we should move on it so there is no gaps. Some of the potential clients are big right? There is another shipping company coming in, APL.

Mike Cruz: That is not the company expressing interest.

Commissioner Ron Eclavea: Okay but the idea is to go ahead and RFP IT.

Mike Cruz: I think we need direction from the board, how long the term, the five year law are we going to issue an RFP for five years.....

Director Michael Borja: Isn't Ancestral Lands exempt from that five year thing?

Chairperson Orlino: Yeah.

Director Michael Borja: Ancestral is not part of this five year lease.

Commissioner Ron Eclavea: We had court cases that deemed us as private that exempts us.

Mike Cruz: So we can issue a lease for a longer term?

Director Michael Borja: Correct.

Mike Cruz: We don't need legislative approval?

Director Michael Borja: That's correct it is not government property it is private.

Mike Cruz: That's the Commission's decision

Director Michael Borja: Do you want to take a look at that

Commissioner Ron Eclavea: Enabling legislations says we are to act as developers.

Attorney Kristan Finney: Why are you guys so convinced that the inventory is not government property?

Commissioner Ron Eclavea: Because of the ruling the judge gave on behalf of the airport.

Attorney Kristan Finney: Are you talking about Judge Barcinas ruling?

Yeah.

Attorney Kristan Finney: I didn't read that, that the decision said it was private property.

Commissioner Ron Eclavea: Once the property was placed in the land bank the interest of it became a private property.

Attorney Kristan Finney: I think that the decision said that the beneficiaries had right to the income of the property not that the property itself became private property.

Commissioner Ron Eclavea: Why did he use the word "private" then?

Attorney Kristan Finney: Well, I am not looking at it but from what I recall the beneficiaries had a right to the income stream which is different from having an interest in the property itself.

Commissioner Antonio Sablan: I think the whole ruling is that the legislature can't go in there and pull land out for other purposes.

Attorney Kristan Finney: Because to do that would deprive the beneficiaries of the interest that they have.

Commissioner Antonio Sablan: That's correct.

Attorney Kristan Finney: But I don't recall the decision saying that the property is private property.

Commissioner Ron Eclavea: No it wasn't saying it, he as saying that the essence of it was private.

Attorney Kristan Finney: Not the essence of it but that the income of it.....

Commissioner Ron Eclavea: But he did use "private".

Commissioner Anthony Ada: I don't recall the word "private" but he did recite the Fifth Amendment and that when transferring property out of the trust it works like a private property because if the government wants to take that land they have to condemn it and pay what its worth to the trust.

Attorney Kristan Finney: Condemn it but that they would have to compensate the beneficiaries.

Commissioner Anthony Ada: If they need the property they cannot just take it but the problem with that is the government is taking the land for the benefit of the people but what the legislature did was take that land and tried to give it to a small group.

Attorney Kristan Finney: And the court said you can't do that.

Commissioner Anthony Ada: Because you are favoring one group. That was the understanding behind that.

Attorney Kristan Finney: But, in that decision I don't recall anything that says that the property was anything other than government property.

Commissioner Anthony Ada: So we don't have to bring this up again can we get written legal opinion and the other thing we are talking about is whether or not GEDA can enter into a longer term agreement pass five years because if there is somebody and he is only going to get a five year lease they will say forget it, I have not made my money back yet.

Attorney Kristan Finney: And that is the same constraints the government has in leasing out property whether it be Ancestral or Chamorro Land Trust or whatever it's the same challenges.

Commissioner Anthony Ada: But in Ancestral lands the Board acts as Trustees to use the property in the highest and best use and to make money for the land bank, with that already in place and with us wanting to make money to compensate the beneficiaries can the legislature tie the boards hands and say you can do it for only five years?

Commissioner Ron Eclavea: It contradicts itself, they are telling us what we are suppose to do and the manner we are suppose to do it.

Mike Cruz: Can I just say that it not just five years you can do more than five years you just need legislative approval. So when we develop the RFP we need to be clear that the developer know the process we have to go through which is why we are asking the commissions direction on this: do we issue an RFP that is only five years or do we issue and RFP that issue legislative approval how does the Commission want us to craft the RFP?

Commissioner Anthony Ada: Did the law make it through? The one that limits it to five years?

Commissioner Ron Eclavea: It's the law right now.

Mike Cruz: less than five years does not require legislative approval, longer than five years you need legislative approval.

Director Michael Borja: This is from the 32nd legislature.

Commissioner Anthony Ada: Ooohh.

Chairperson Orlino: So legal counsel can we get a legal opinion before our next meeting?

Attorney Kristan Finney: Can I make this request; can you send a letter to the AG's office?

Director Michael Borja: We will prepare that.

Chairperson Orlino: I forgot that we have to make those requests first.

Commissioner Ron Eclavea: Regarding the five year thing, is it five year with the option to renew or at the end of five years you have to RFP it out again?

Director Michael Borja: There are provisions to go beyond that like they said they have to do a determination of need or you get legislative approval to go beyond that.

Commissioner Ron Eclavea: My question is five year with the option to renew or at the end of five years you have to RFP it out again or is it for five years period?

Commissioner Antonio Sablan: Madam chair I move that GEDA put out an RFP for five years subject to legislative approval for anything longer in that way if its anything longer we can go to the legislature and have them approve it instead of eliminating people who want to get a return on their investment with longer leases. Let the RFP include that anything over five years is subject to legislative approval.

Commissioner Ron Eclavea: The only problem I see here is if we can go that route the legislature doesn't have a problem with it, if we can wait for the legal opinion.

Commissioner Antonio Sablan: Yes but we are losing money we could be advertising now if somebody needs it for 5 years we could immediately release it we could start negotiating and wait for a legal opinion. If the opinion comes back and we need to go to the legislature we could go back at that point in time.

Commissioner Ron Eclavea: That opinion is going to take until next year right?

Attorney Kristan Finney: I don't think so, it something already on the radar.

Commissioner Ron Eclavea: What do you think about this motion?

Director Michael Borja: Second it and then discuss it.

Commissioner Ron Eclavea: Then I second the motion.

Chairperson Orlino: We can now discuss this. Commissioner Ada?

Commissioner Anthony Ada: I agree with Commissioner Tun Antonio but to answer Mr. Cruz, Mike let me know the terminology; you can put the RFP out and say this is "subject to regulatory requirement approval.

Dong Choe: The law is very specific about the five years.

Mike Cruz: But we would like to be more proactive in the RFP

Commissioner Anthony Ada: Then it is best we wait for the opinion.

Chairperson Orlino: What was Knik's? Five years?

Mike Cruz: Knik was five plus five but they don't want the next five.

Director Michael Borja: They got that because they got the lease before the law was passed.

Commissioner Ron Eclavea: the reason the legislature passed that bill was because of the buildup.

Director Michael Borja: No. It had to do with another agency skirting it.

Commissioner Ron Eclavea: In previous arguments in the last several years Senator Gutherz brought that up them being the final say for government lands.

Director Michael Borja: The law was for contracts not just for lands.

Commissioner Anthony Ada: The motion says "subject to legislative approval" right? Can we do it like that?

Dong Choe: Only for anything under five years we can RFP it if we are going to allow options the determination of need has to be sent to the Speaker and we need legislative approval.

Commissioner Anthony Ada: And for this particular prospect for sure they are going to want more than five years.

Mike Cruz: We didn't discuss term with them.

Commissioner Ron Eclavea: Can we put out that anything longer than five years they have to go through the legislature?

Mike Cruz: Anything more than five years we have to submit the determination of need. This means we prepare the determination of need, we advertise it to the public, then the Commission would need to approve it, then it we go through the Governor, then sent to the Speaker.

Commissioner Anthony Ada: By the time that process is done its five years already.

Attorney Kristan Finney: To me the question is whether land bank land is government land. Because this thing with the five years is only part of what you need to do when leasing out government land, and this thing about any lease under five years I don't think it is supported in the law. The law says you always have to go to the legislature to lease out government land and you need to go to the legislature if you are going to lease it out for more than five years you can't even talk about leasing it out for longer than five years. The organic Act says that the legislature controls government land, I guess there is two pieces to the question: the first is, the land in the trust is that government land, the second is, acting as developers to the land do you still need to go back for longer term leases. If you have to go back to the legislature for everything if you don't then you can lease it out however you want.

These are the questions that have to be answered this is not the first time these questions have come up and you guys keep bringing this up and there is not a clear answer but there are other Attorneys involved and I would like to pull their minds together.

Commissioner Ron Eclavea: If this is a blanket legislation then it is a detrimental law.

Director Michael Borja: I have been fighting with the author especially with Chamorro Land Trust but it falls on death ears.

Mike Cruz: I need to say though, and I understand fully what Kristan is saying, we need to wait the AG's opinion on this but we have on the Ancestral Lands Commission that are more than five years already because of advice we received from prior Attorneys that said we could do it and so the complicated part of this five year term is it came later but prior to that we have issued leases that are longer term, so if we can wait for the legal opinions and wait to issue an RFP until we get that.

Attorney Kristan Finney: Was it from the AG's office or your own lawyer?

Mike Cruz: Bill Bischoff, I don't know if it is in writing.

Attorney Kristan Finney: That was my next question.

Mike Cruz: Bill was the prior AG assistant.

Chairperson Orlino: And we still have leases out there that are long term.

Director Michael Borja: Those stand.

Attorney Kristan Finney: If you have anything in writing please send them to me.

Commissioner Anthony Ada: Some of the leases are for land and some for buildings like WIC.

Chairperson Orlino: And we have licenses.

Attorney Kristan Finney: That's a totally different issue.

Attorney Kristan Finney: It seems to me that your lease to WIC is a lease.

Commissioner Anthony Ada: I don't want to go of tangent; do we have enough to go on this motion? He says we have to wait for AG's opinion.

Commissioner Antonio Sablan: I am not agreeing to that because we could advertise that anything longer than five years we need to get the legislature's approval.

Mike Cruz: Even for anything less than five years we still need to have legislative approval isn't that what you are saying?

Attorney Kristan Finney: I am saying that I don't have answers for you right now.

Mike Cruz: if we went out with an RFP we can't even tell them less than five years because we don't know.

Commissioner Ron Eclavea: I think we hold off because the board is a very critical spot there and for investors five years is really just too short for industrial type.

Commissioner Antonio Sablan: There are shipping companies that will store containers there. It doesn't have to be a million dollar structure that has to be there.

Commissioner Ron Eclavea: Then we are going to commit it for five years and but then we still need legislative approval.

Commissioner Anthony Ada: Why doesn't the Commission manage the property that way we don't need legislative approval. (everyone laughing)

Dong Choe: You would have to get a business license and insurance.

Commissioner Anthony Ada: Can we give them a license then it can ripen into a lease?

Commissioner Antonio Sablan: If we do that are we eliminating GEDA as the middle man?

Commissioner Anthony Ada: No they still collect the money.

Chairperson Orlino: What about the motion?

Commissioner Ronald Lagunaña: On the motion we have to withdraw the motion.

Commissioner Antonio Sablan: We don't have a solid legal opinion and I am just saying that we move on it and then when the legal opinion comes back we can change our course. I don't want to sit on a million dollar property and not do anything in the next two months because legal opinion is not back yet.

Commissioner Ron Eclavea: The only thing is they have not concluded that we need to get legislative approval for under five years.

Commissioner Antonio Sablan: They have been doing the same process they are not doing anything different. Am I hearing that you cannot move forward with leases when they were doing it in the past?

Commissioner Ron Eclavea: We are still stuck, because the rules and regulations for CLTC are different. It's still the same law that we are subject to.

Commissioner Anthony Ada: CLTC is clear, it is government land.

Commissioner Ron Eclavea: What he is saying is the GEDA is still moving on with government leases and we should continue moving on

Mike Cruz: We have done a lease since the passage of that five year law.

Everyone: Oh!

Mike Cruz: Before, we were issuing leases depending on the term the developer wanted. Whether it be long or short term but we have not done a lease since the passage of the law and the ones that were ready to go were tied up in court.

Commissioner Anthony Ada: This is title 21 right? Is there a new compiler of laws? I tried researching something and its not up to date.

Attorney Kristan Finney: What are you looking for?

Commissioner Anthony Ada: Well while waiting for official opinion I am the kind of guy that will research.

Mike Cruz: Look under 32-40.

Attorney Kristan Finney: There are parts of it in the title 21 but there are others pieces of it in the general government section.

Commissioner Anthony Ada: Mike told me to look in 32-40.

Mike Cruz: That's the five year lease public law.

Commissioner Ron Eclavea: So how do we move on this motion?

Dong Choe: Anything less than five years we can RFP, anything five years or more must go to the legislature. What the commissioner is requesting is put in for the five years and anything beyond must go to the legislature and you cannot do that! You cannot bid prior to the determination of need for any option beyond five years.

Commissioner Ron Eclavea: Okay, from what I understand we could go longer on this Polaris property and we just give them the need for it because it's at the Port and there is a need, that's what you are saying?

Dong Choe: The process for less than five years is different for leases more than five years.

Commissioner Ron Eclavea: Can't we fill in the determination of need because we are the Board?

Mike Cruz: If the motion is to give a five or more years lease then we have to go through the determination of need. We would prepare that document and we would go to the public, present it to the Commission, give it to the Governor and then file it with the Speaker, and then we would issue out the RFP.

But at this point we can't even issue out an RFP for less than five years doesn't require legislative approval because we don't know. We would inform the legislature in the determination of need that we are issuing an RFP for a long term or short term.

Commissioner Ron Eclavea: I say we just move forward with the legislature for a longer term while we are waiting for an opinion that way there is no down time with it.

Commissioner Anthony Ada: But we cannot do that.

Commissioner Ron Eclavea: Yes, if they go through the legislature, Dong made it clear. Anything more than five years we go to the legislature okay, let's go to the legislature.

Commissioner Anthony Ada: In a determination of need do you need to have a bonafide interested party? So you can say that this party has an interest in this area and you can put it in the determination of need.

Dong Choe: The determination of need that we would issue would be for a long term lease with the possibility of shorter terms because determination of need only kicks in for anything longer than five years.

Commissioner Anthony Ada: So If you go and write a determination of need you have to have an industry in mind? Like, "is there an interest in this area....."

Mike Cruz: No. "Legislature, we are going to issue out an RFP for longer than five years"

Commissioner Anthony Ada: And then they will ask you.....

Mike Cruz: No. They don't ask, it is a notification, we are telling them. And then after you issue out an RFP and you negotiate with a prospective developer then you get legislative approval of that lease.

Commissioner Anthony Ada: You just make them aware.

Mike Cruz: We are just letting them know we are doing this but the legislature still approves the lease.

Commissioner Anthony Ada: It is another layer in the process.

Mike Cruz: Yeah.

Commissioner Ron Eclavea: So let us say you go through that process, you RFP for five years, and the legislature approves it and legal counsel get back to us "guess what you guys you don't have to do that we won't have any issues with the legislature".

Commissioner Anthony Ada: The goal here is when Knik packs up and leaves the next day somebody is already in there, that's the goal.

Chairperson Orlino: We will just wait

Commissioner Antonio Sablan: Down time money?

Mike Cruz: Even if we issue a determination of need we are not going to have a developer in place by January because there is a specified time required by law, we would then have to wait 30 days to respond to an RFP then you go through a negotiation process and if we are following the five year law we go to get legislative approval.

Commissioner Ron Eclavea: But from I see you would prefer to get clarification first.

Commissioner Anthony Ada: Let just say the law applies, let us go with that, let us just start it. That way if the AG'S opinion comes back it is better that we did it we are prepared if it applies.

Commissioner Ron Eclavea: Okay. But in my opinion get the determination of need and go beyond the five years.

Commissioner Antonio Sablan: My only question to that: are we going to the legislature to get a waiver to the RFP requesting for more than five years?

Mike Cruz: No. we are going to issue an RFP to lease out property for a term longer than.....

Commissioner Anthony Ada: Five years.

Commissioner Antonio Sablan: Wouldn't they be asking how long?

Director Michael Borja: you tell them in the determination of need.

Dong Choe: Yes you have to tell them how long.

Commissioner Antonio Sablan: I think based on that if you send out an RFP if anybody wants it for more than five years then they are aware we have to go to the legislature and at that time you approach the legislature for a waiver.

Dong Choe: No. the legislature has to be notified prior to an RFP being issued we cannot say we have an RFP for five years and beyond without notifying them, that is what the DON is for.

Commissioner Anthony Ada: Potentially the time frame we are going for is the same time frame that has been laid out for the buildup. After the buildup is done everyone will pack up and go back from where they came from and they won't need that property anymore.

Mike Cruz: Eventually the Commission will have to decide on everything. We would probably say something like "not to exceed 30 years" Commissioner Sablan's motion is to entertain people who wants it for one year, the Commission would balance whether they can generate income one way or the other.

Commissioner Ron Eclavea: We don't eliminate bigger players.

Mike Cruz: We won't eliminate anybody.

Commissioner Ron Eclavea: Well if they need to develop it for more than five years.

Mike Cruz: Well if a developer came in and said "i want this for one year I am going to give you a million dollars" versus a guy who wants for a longer period and he pays less rent.

Commissioner Ron Eclavea: So we can RFP for longer but we can award it for one year or two years.

Mike Cruz: Yeah. We would be saying "not to exceed".

Commissioner Ronald Lagunaña: Let these guys do their job.

Chairperson Orlino: We have discussed this lets just vote on it.

Commissioner Anthony Ada: Can you repeat the motion just for clarification.

Chairperson Orlino: Commissioner Sablan.

Commissioner Antonio Sablan: I move that we let GEDA RFP this property and get us a head start in not being faced with down time with this valuable property.

Chairperson Orlino: it has been seconded already so we just go ahead and vote. Commissioner Ada?

Commissioner Anthony Ada: Yes.

Chairperson Orlino: Commissioner Sablan?

Commissioner Antonio Sablan: Yes.

Chairperson Orlino: Commissioner Ronald Laguaña?

Commissioner Ronald Laguaña: Yes.

Chairperson Orlino: Commissioner Ron Eclavea

Commissioner Ron Eclavea: Yes.

Chairperson Orlino: I vote yes too. Motion carries.

Mike Cruz: Just to clarify, once the RFP and determination of need are out, counsel will be getting back to us.

Director Michael Borja: Wait don't leave, go to page 2, Wettengel.

Mike Cruz: Northern Market is currently scheduled to begin payments on January 2016 there is a conditional approval for financing from GHURA and HUD that conditional approval is up to the Governor for approval and it may require the AG's approval but what we understand Carlos does not know what those conditions are yet so as it stands he is scheduled to pay in January 2016 that's about \$372,000 a year.

Director Michael Borja: all the archeological issues have been resolved.

Dong Choe: Mr. Camacho told us that all the archeological documents have been sent to GHURA for review to pass the HUD 106 application, the HUD application was approved by HUD and it went to the Governor for approval and lgal counsel there said it require AG's review and it is at the AG's office right now once that is complete he should get all the conditions for the loan and from there he will have a better understanding of the payment plan so yes all the archeological stuff have been submitted. What Mr. Camacho is asking is, and we are just the messenger, once it has been approved by the Governor and he gets the conditions of the loan he would like to discuss with the commission the payment plan.

Commissioner Anthony Ada: Dong the archeological documents what were the results?

Dong Choe: We were told that is was needed for the HUD 106 application and they were approved for it so I am guessing it was okay.

Commissioner Anthony Ada: When Carlos came he had to prove that something was not of archeological significance. Did he submit documents to just fulfill the HUD requirements and there will be pending items when he starts to build. Did SHIPO approve this?

Deputy Director David Camacho: They had to dig down further and that's what happened local EPA did that.

Commissioner Anthony Ada: Is this just to get a loan approval but he still needs to get the archeological clearance.

Deputy Director David Camacho He needed that for the HUD 106 so he had to abide with that I believe it is done already.

Commissioner Anthony Ada: Did SHIPO already sign off on it?

Dong Choe: What Mr. Camacho told us is he is waiting for the Governors approval so he can get the documents for the conditions for the loan to start his project.

Commissioner Anthony Ada: The loan is just a paper and money can he go in there and start digging? Or are they going to say wait a minute that archeological document was to process the loan but you still need to give us more about what is in the ground.

Deputy Director David Camacho: We discussed this with GHURA, Camacho and Parks and Recreation was there too this was so Carlos can comply with the Federal regulations to clear the slab and all those things. It has been a year since he started the process.

Commissioner Anthony Ada: HUD 106 is some kind of regulation right? That's why I wanted to clarify because he said that the Navy and historic preservation to certify that there are no archeological artifacts. Is this archeological document that was sent to approve the loan the same archeological document that answers that question that there are no artifacts in the ground?

Dong Choe: I think that HUD 106 requirements were to dig even further and is more intensive and they have submitted the document for the HUD 106 already the loan has been approved by HUD we are just waiting for the local government.

Commissioner Antonio Sablan: I am new to this I am not familiar with this lease except that the legislature is handing it to mayor to receive money for this.

Director Michael Borja: No. That's something different, that's the Farmer's Market.

Mike Cruz: That concludes our report Madam Chair.

Chairperson Orlino: Okay but you will get us a signed report right?

Mike Cruz: Yes Madam Chair.

Just a quick question, the thing for Pagat, where are we with that?

That should be placed on the agenda, maybe next meeting.

Okay, next meeting.

VI. New Business

VII. Administrative Matters

Chairperson Orlino: The bank statements.

Director Michael Borja: You know we have a bank account that is for a very small amount, like 200 some dollars, they are going to be assessing us a fee for being still. We asked if they can waive it because look at the other accounts, this is with bank of Hawaii and they refuse to waive it.

I propose that we close out that account and use the money to pay for supplies for documents being produced and we will have a receipt for that just so we can close that account off.

Deputy Director David Camacho: That account was approved to pay for the copier, we have cancelled the copier and we didn't utilize the funds. We identified certain amount for supplies for Ancestral doing all those title hearings.

Commissioner Ronald Laguaña: Madam Chair I move that we close the account with \$212.13 and use that money for supplies.

Commissioner Antonio Sablan: I second the motion.

Commissioner Anthony Ada: That was the original purpose for the money right?

Chairperson Orlino: Yes. We just go ahead and vote. Commissioner Ada?

Commissioner Anthony Ada: Yes.

Chairperson Orlino: Commissioner Sablan?

Commissioner Antonio Sablan: Yes.

Chairperson Orlino: Commissioner Ronald Laguaña?

Commissioner Ronald Laguaña: Yes.

Chairperson Orlino: Commissioner Ron Eclavea

Commissioner Ron Eclavea: Yes.

Chairperson Orlino: I vote yes too. Motion carries.

Director Michael Borja: Can I just say, the \$77,000 which is a court case and the other one is the landowner's recovery fund, if there is a chance we can consolidate those accounts to maybe

Coast 360. We would have to check if we are authorized to do that by the court but the account still stay separate.

Chairperson Orllino: The account with \$77,000 belongs to a family we are waiting the decision with the courts.

Director Michael Borja: What about the \$8,000 dollar one?

Deputy Director David Camacho: We can use that fund for certain Ancestral services.

Commissioner Ronald Laguaña: Madam Chair maybe we could look into the court determination, let us get that in writing review it and see because we are still safe holding it but let us move it somewhere more lucrative Coast 360 has higher interest rates

Director Michael Borja: Plus they are more responsive. Bank of Hawaii wants to hit us with a still fee.

Commissioner Ronald Laguaña: If you could pull out that court case and look at the determination.

Director Michael Borja: I will get right on it.

Commissioner Anthony Ada: This account with \$77,000 we already know the family we should let them know what we are going to do.

Director Michael Borja: Oh yes of course. And we need to get the court's permission.

Deputy Director David Camacho: For the \$8,000 you guys should make a motion and approve it.

Commissioner Anthony Ada: Okay let's make a motion but I have one more question? Coast 360 the account summary, the share savings of \$2,716,319.42 and the Term Share of \$1,105,000.00 the \$2,716,319.42 is earning little interest should we put that in a cd to earn more interest?

Deputy Director David Camacho: It was the boards the decision to keep that amount in the savings account in case we come out with the rules and regulation. We transferred 1.5 million into the TCD and it's already mature.

if we add the To amounts together we get \$3,821,319.42 how come GEDA is telling us \$3,957,286.66 OH! This is up too September and this is to October, that's about a \$100,000 difference that GEDA said they collected.

Director Michael Borja: I don't know if that includes what they take.

Commissioner Anthony Ada:

Here is the total amount on the left side this is what is left to us. Okay then that's even worse. The \$3,401,485.57 we are \$400,000 dollars short in this report from GEDA.

Deputy Director David Camacho: It is less than what we have because there was an amount that was not included.

Commissioner Anthony Ada: Oh there was a balance there before it started.

Commissioner Ronald Laguaña: I move Madam Chair that we move the \$8,428.42 Bank of Guam over to Coast 360.

Commissioner Anthony Ada: I think the idea is to move all the money because they are messing us up. So the \$8000, \$200 and the \$77,000 we are going to close all of them.

Chairperson Orlino: No. the \$200 we are going to close. The \$77,000 is pending we cannot touch it right now.

Commissioner Anthony Ada: So Bank of Hawaii is not friendly so let us get out of Bank of Hawaii.

Commissioner Antonio Sablan: I second the motion.

Chairperson Orlino: Yes. We just go ahead and vote. Commissioner Ada?

Commissioner Anthony Ada: Yes.

Chairperson Orlino: Commissioner Sablan?

Commissioner Antonio Sablan: Yes.

Chairperson Orlino: Commissioner Ronald Laguaña?

Commissioner Ronald Laguaña: Yes.

Chairperson Orlino: Commissioner Ron Eclavea

Commissioner Ron Eclavea: Yes.

Chairperson Orlino: I vote yes too. Motion carries. We take out the 200 and close the account transfer the \$8,000 to Coast 360 and the \$77,000 is pending the courts to see if we can move it.

Director Michael Borja: This account that has 2.7 million if we are not going to distribute that anytime soon can we put some of that in a TCD so we can be earning interest on it. this is one of the write ups we got from OPA

Chairperson Orlino: Do you have an amount?

Director Michael Borja: Probably 2.5 million let me talk to them and separate them out in case you have to take them out we will put them into separate 12, 18, 24.

Commissioner Anthony Ada: Plus the penalty for breaking a CD is you give up all your interest.

Deputy Director David Camacho:

They told us there is no penalty.

Commissioner Anthony Ada: So let's put it all in then.

Commissioner Ronald Lagaña: So Madam Chair I make the motion to have the Director set the parameters of the 2.7 million to place them in TCD within three incremental programs in the best interest of the landowner's to gain more money.

Commissioner Ron Eclavea: Okay I second it .

Chairperson Orlino: All those in favor.

All Commissioners: Aye!

Director Michael Borja: Karen I am going to need three separate resolution for each of these.

VIII. Public Comments

IX. GALC Board of Commissioners Comments

X. ADJOURNMENT

Commissioner Ron Eclavea: Motion to adjourn.

Commissioner Ron Lagaña: I second it.

Chairperson Orlino: Meeting adjourned, thank you all.

Commissioner Ronald Eclavea moved to adjourn the meeting. Commissioner Ron Lagaña seconded the motion. Meeting adjourned at 5:13pm.

Transcribed by: Karen N. Charfauros: _____

Approved by Board motion in meeting of: _____

David V. Camacho, Deputy Director: _____ Date: _____

Anita F. Orlino, Chairperson: _____ Date: _____

