

GUAM ANCESTRAL LANDS COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Wednesday, September 26, 2018 • 2:14 p.m. to 3:30 p.m.
Notices were published in the Guam Post on Wednesday, September 19, 2018 and
Monday, September 24, 2018 in the Guam Daily Post.

I. **Call to Order**

Chairman Ada called the regular meeting of the Guam Ancestral Lands Commission to order at 2:14 p.m., noting a quorum. In Compliance with public law 24-109, Guam Ancestral Lands Commission published the public meeting announcement on Wednesday, September 19, 2018 and Monday September 24, 2018 in the Guan Daily Post.

II. **Roll Call**

Present were: Chairman Anthony Ada, Vice Chairman Ronald Laguana, Commissioner Ronald Eclavea, Commissioner Anita Orlino absent, Commissioner Maria Cruz, Commissioner Antonio Sablan - absent, Commissioner Louisa Wessling - absent, Director Michael Borja -absent, also present were Deputy Director David Camacho, Land Administrator Margarita Borja – absent, Legal Counsel Nicolas Toft, GALC Staff Land Agent Joey Leon Guerrero, and Recording Land Agent Stephanie Duenas.

III. **Approval of Minutes**

Chairman Ada approval on the agenda for the approval of the minutes from meeting August 15, 2018.

Vice Chairman Laguana notes the arrival of Land Agent Joey Leon Guerrero.

Commissioner Cruz Mr. Chair on the minutes, it looks like we're going back to verbatim and it's not like the one that we had on the last meeting. if we can change this format like the one we had at the last meeting.

Chairman Ada what Commissioner Cruz is observing is that we have sixteen pages of conversation.

Commissioner Cruz I'd like to have this table so that we can go back to the format that we had asked for.

Chairman Ada I don't think we have to table this. because more is put down on the minutes. It's all there. Everyone can just review it.

Commissioner Eclavea motion to approve the minutes.

Vice Chairman Laguana I'll second it.

Chairman Ada It's been moved and second it, there was no discussion noted, Chairman Ada put the motion to a vote. All in favor of the GALC Meeting Minutes of August 15, 2018 say "aye" [Chairman Ada, Vice Chairman Laguana, Commissioner Eclavea, Commissioner Cruz, all opposed say "nay" **[Motion passed; 4 ayes, 0 nay]**

IV. Old Business

A. Northern Market, LLC

[Chairman Ada notes that there is letter attached on file from TUTUJAN HILL GROUP, LTD. dated July 23, 2018. from Carlos Camacho. Letter dated August 8. from Guam Contractor's Association and August 10, A letter to GEDA Administrator, Mr. Jay Rojas from Northern market, LLC]

Tony Arriola I'm here representing GEDA. Here with me is our tenant Carlos Camacho with Guam Ancestral Lands Commission Also, Joann Cruz, our Program Coordinator. Mr. Carlos is here with us today requesting an extension of his current rent deferral of \$15,322.28 per month. so, that the monthly rent will be \$10,000 for an additional year. and this is only for 1 year commencing October 2018 all the way to September 2019 of next year. the rent deferral is requested for an additional 12 months.

Carlos Camacho about a year ago, I requested for an extension due to two several impacts into our project. Impacted by the h2 workers about a year ago. Not knowing that h2 workers will be resolved. We're requesting this deferment until such action comes until we labelize the cost of construction.

Request:

- Northern Market's request to extend its rent deferment of \$15,322.28 of the \$25,322.28 per month in rent with the following conditions.
- Rent Deferral will be for the 12 months period beginning Oct. 2018 to Sept. 2019.
- New Monthly Payment will be \$10,000 each month.
- Interest of 1% per month of the deferred balance will be charged until paid.
- Payment of the deferred amount including interest, will be a lump sum payment. Once the construction loan is obtained within the additional one-year rent deferral period.
- If the construction loan is not obtained the one-year rent deferral period, the amount deferred plus the interest will be paid an equal monthly installment beginning October 1, 2019 and ending September 30, 2020. During this period full rent also be paid by Northern market.
- Rent will escalate 10% in the one-year 2021. Guam Ancestral Lands Commission approved of past and current rent deferrals will not change the escalation date of 2021.

Chairman Ada you want an additional year and you want the amount that you pay for a month reduced from 15 to 10.

Carlos Camacho same from what we've been paying from the last year.

Chairman Ada just 12 more months.

Carlos Camacho yes. and on our deferral portion. We're not asking to be waived or to be removed. It will still be a liability to us at the 1 percent interest rate.

Commissioner Eclavea I'll make the motion to approve Northern Markets, LLC request for rent deferral for another year.

Vice Chairman Laguana I'll second that.

Chairman Ada It's been moved and second it. there was no discussion noted, Chairman Ada put the motion to a vote. All in favor of the motion to approve the Rent Deferral of Northern Market, LLC say "aye" [Chairman Ada, Vice Chairman Laguana, Commissioner Eclavea, Commissioner Cruz, all opposed say "nay" [**Motioned passed; 4 ayes, 0 nay**]

GEDA

A. Monthly Report

- **Apra Harbor Parcel No. 1. Commissary Junction –**
 - **Kwikspace** – No changes from the last report
- **Apra Harbor Reservation F-12 (Polaris Point) -**
 - **Matson Navigation Company** – No changes from the last report
- **Portion of Lot Apra Harbor Reservation F-12 Parcel N14-1, Polaris Point**
RFP 17-009
 - According to the offeror, the document is still being actively reviewed by their legal counsel.
- **N5D Mangilao (Route 15)**
 - Its still in litigation. Their filing for a motion to dismiss.

Chairman Ada asked on N5D as soon as we resolve that legal matter, do you already have the packet to send it out.

Tony Arriola yes, we do have the packet.

- **Wettengel Junction –**
 - We just ended that discussion.
- **License Agreement for Tyan properties**
DPHSS WIC Program – the MOU that was executed and approved on April 30, 2018. We're no longer managing it.
- **Guam Environmental Protection Agency (GEPA)** – Memorandum of Understanding (MOU) between GALC and GEPA has not been executed to date.
 - GALC served GEDA with a 90-day Notice of Termination on August 3, 2018.
 - On August 13, 2018, GEPA, GALC AND GEDA met to discuss the Notice of Termination and allow the agency some time to work with their federal counterpart (US EPA) to secure funds and pay down the arrears.

- On September 4, 2018 GEDA received three (3) Purchase Orders as follow:

PO#1 – Jan 2018 – Apr 2018 = \$32,000.00

PO#2 - May 2018 – Aug. 2018 = \$32,000.00

PO#3 - Oct. 2017 – Dec. 2017 = \$24,000.00

Per DOA Instructions Invoices were prepared and forwarded to DOA for Payments to be processed.

Chairman Ada earlier you mentioned WIC the MOU is already in effect so, the payments will be coming straight to Land Management.

Tony Arriola yes. Land Management.

Chairman Ada are there any outstanding payments that you guys already received to clear your books.

Joann Cruz no. they stopped making the payments to as of the date of the MOU. so, I believe the MOU was signed effective on April. And so, the last payment that we received on was March. but, there is a question as far as the late payments that were still owed, because technically our management contract is not ended until we receive the MOU. So, our administrative just had a question as far as how are we going to get our management fees. since, now the payments are going to go directly to GALC.

Chairman Ada that's what we need to clear out. WIC is already sending it to Land Management. That's a question mark right, Joey?

Joey Cruz yes. we haven't received anything.

Tony Arriola we remitted all the payments.

Chairman Ada any questions board.

[[No additional comments and/or questions noted from the commissioners]]

V. **Old Business**

B. **License Agreement between GALC and Steel Hauling**

John Pearson I'm representing Tran Steel Hauling Management, currently I'm occupying the area at Polaris Point. My (1) year license was expired on June 2018. I'm here to request to see if I can renew another year of license.

Chairman Ada since it expired your still making payments.

John Pearson payment is up to date. I just made a payment.

Stephanie Duenas Chairman he's current of his payment as of September.

Chairman Ada your due dates are at the beginning of the month or the middle of the month.

John Pearson, I believe it is at the beginning of the month. I had to make a payment before the 10th of the month and there is a grace period.

Chairman Ada the request is to renew the license for an additional year any questions board.

Commissioner Cruz just to remind the tenant that although it's a (1) year license. We can still terminate it in 30 day's notice. And that rent is due at the 1st of the month not the end of the month.

John Pearson yes, I understand.

Chairman Ada any questions from you, Mr. Pearson.

[no other questions and/or comments from the commissioners and Mr. Pearson.]

Commissioner Eclavea motion to approve the request for another year extension on the license for Mr. Pearson

Vice Chairman Laguana I second that motion.

Chairman Ada the motion is to extend the license effective from October 1, 2018 to September. seconded by Vice Chairman Laguana. There was no discussion noted, Chairman Ada put the motion to a vote. All in favor of the motion to approve the Tran Steel Hauling Management License say "aye" [Chairman Ada, Vice Chairman Laguana, Commissioner Eclavea, Commissioner Cruz] all opposed say "nay". **[Motion passed; 4 ayes, 0 nay]**

VI. New Business

[No Discussion on New Business noted, Chairman Ada closed the New Business period]

VII. Public Comments

[Seeing none, Chairman Ada, closed the public comment period.]

VIII. Director's Report

Chairman Ada no additional comments or and/or questions noted, Chairman Ada closed the Director's Report period.

IX. Adjournment

Chairman Ada mentions there's no further discussion for the meeting and calls this meeting adjourned.

Chairman Ada motion to adjourn.

Vice Chairman Laguana I move.

The regular meeting of the Guam Ancestral Land Commission Meeting for Wednesday, September 26, 2018 was adjourned at 3:30 p.m.

Approved by:

Date approved:



Anthony J.P. Ada, Chairman
Guam Ancestral Lands Commission

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Transcribed by:



Stephanie Duenas, Recording Land Agent
DLM, Guam Ancestral Lands Division