

**GUAM ANCESTRAL LANDS COMMISSION REGULAR MEETING MINUTES  
VIA ZOOM**

**November 25, 2020 • 2:04 p.m. to 4:45 p.m.**

**Notices were published in the Guam Post on Wednesday, November 18th, 2020 and  
Tuesday, November 24th, 2020, in the Guam Daily Post**

**I. CALL TO ORDER**

**Ac Acting Chairwoman Cruz** called the virtual regular meeting of the Guam Ancestral Lands Commission to order at 2:04 p.m., noting that she is currently the Secretary/Treasurer who will preside over the meeting until the Election of Officers. In Compliance with Public Law 24-109, Guam Ancestral Lands Commission announced the virtual meeting on Wednesday, December 9<sup>th</sup>, 2020 and Monday, December 14<sup>th</sup>, 2020 in the Guam Daily Post.

**II. ROLL CALL**

**Commission Members Present:** Commissioner Ronald F. Eclavea, Commissioner Ronald Laguana (Unconfirmed member), Commissioner Maria Cruz, Commissioner Louisa Flores Wessling, Commissioner Angela Camacho, and Commissioner Jeffrey Rios. **Excused Absence:** Commissioner Anita Orlino. **Staff Members Present:** Executive Director John Burch, Administrative Officer Cathi Blas, Attorney Nicolas Toft, Land Agent II Joey Leon Guerrero.

**Acting Chairwoman Cruz** determined that there was a quorum and informed the members that the Director's report will come after the approval of minutes she also informed the members that there will be slight change in the Agenda should Mr. Camacho agree for Mr. Limtiaco go before him. Mr. Camacho agrees.

**III. APPROVAL OF MINUTES**

**▪ Minutes of November 12, 2020 – Summarization**

- **Acting Chairwoman** asked if everyone had a chance to review the minutes and asked them to do so. Then asked if someone was going to make a motion to approve.
- **Commissioner Eclavea** made the motion to approve minutes.
- **Commissioner Camacho** seconded the motion
- **Acting Chairwoman Cruz** puts the motion to a vote to approve the minutes of November 12, 2020, all those in favor say "aye", Commissioner Eclavea, Commissioner Camacho, Commissioner Wessling and Commissioner Rios (4 ayes). All those not in favor to approve the minutes of November 12, 2020, say "nay" (0 nays). The ayes have it. Motion approved.

**IV. EXECUTIVE DIRECTOR'S REPORT**

The following are updates for the Guam Ancestral Lands Commission:

**Budget:**

- Governor's Legal Counsel Sophia Diaz is in agreement with the Attorney General's legal opinion that the Commission has the authority to divert incoming funds.
- The Governor is requesting to work on legislation authorizing the use of proceeds from the AT&T settlement and/or lease for the operations of the GALC.
- **Acting Chairwoman** asked if that action be done by Commission approval based on Governor's recommendation without having to go through the Legislature?
- **Executive Director** informed the Chairwoman that is a question for Attorney Toft to answer.

- **Attorney Toft** informed the members that he agrees with the Governor's recommendation to have the Legislature include the language in the Law on what the Commission can do regarding using the SID Funds.
- **Executive Director** informed the Acting Chairwoman the answer is yes.
- **Commissioner Eclavea** asked the Executive Director is he is comfortable with the Governor's transfer and if that will be enough to operate.
- **Executive Director** responded yes and if GALC needs more he will come back to Commission. He reminded the Commission that BBMR needs to transfer the money.
- **Commissioner Eclavea** stated that there have been several opinions that say the Commission has the authority to transfer money. Then asked what will the negative impact be if the Commission just authorized the transfer?
- **Attorney Toft** informed the members that the Commission will still need to go through BBMR.
- **Commissioner Wessling** stated that she doesn't understand why there are 2 legal opinions that state the Commission has the authority to divert funds and the Law says that they can but are now being told not to. What repercussions can be expected if they did the transfer.
- **Executive Director** it should be based on the Commission decisions but the Governor respectfully asked not to and to seek assistance from the Legislature
- **Commissioner Camacho** asked if this will affect our ability for the office space?
- **Executive Director** responded that if the transfer goes through, we will have an office. Also, informed the Commission that the employees will move to the seventh floor and now have access to the office.
- **Commissioner Laguana** just wanted to know if we are able to move forward and pay our dues.
- **Executive Director** yes, we're able to operate.

#### **Vehicle:**

- Monday, November 23, 2020, the DPHSS returned GALC's vehicle
- Recommend that the vehicle be sanitized prior to being put to use by GALC personnel.
- Request to use funds to clean and sanitize vehicle.
- **Acting Chairwoman Cruz** asked the Commissioner if she can just order the sanitation at the ceiling of \$200.
- **Commissioner Eclavea** asked if it falls under operations?
- **Executive Director** responded yes, and he will process the paperwork needed.
- **Commissioner Camacho** asked for the Executive Director to also check the service record of the vehicle since the Commission had it for over a year.

#### **Roof Repair Guam Environmental Protection Agency (GEPA):**

- Met with Diego Mendiola, GEDA, to redo the specs for the roof repair.
- Visited the site to assess the needed repairs. Noted that there are several leaks in the roof mostly in ceiling joints and the roof coating of tar and coral mix was deteriorated.
- GEPA assured me that the roof coating was free of asbestos.
- We expect that new bids will be received within 30 days.

#### **Office Space:**

- Approval of bid specifications for office space lease from GSA on October 9, 2020.
- The winning bid submitted by Fujita Property Guam. Office space on the south side of the third floor of the ITC Building for \$36,261.00 annually. The monthly cost breakdown is \$3,021.75 for 1,343 square feet or \$2.25 per square foot of floor area.

## **V. OLD BUSINESS**

### **A. GEDA: Progress Report – Presented by Diego Mendiola also present is Tony Arriola and Joann Cruz**

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:

#### **Wettengel Junction – Northern Market, LLC (NM)**

1. Letter of Expiration of Extension Lease Rent Deferral for 1 year (from Oct. 2019 to Sept. 2020) dated Oct. 16, 2020 was sent to Tenant via email and Postal mail.
2. Tenant submitted a Letter of Extension of Expired Lease Rent Deferral and Deferral Request to GEDA on Nov. 9, 2020. Request for 1 year and 6 Months (from Apr.2020 to Sept. 31, 2021). Tenant requesting to present their request to the board.

➤ **Mr. Mendiola** informed the Commission that Mr. Camacho will explain more on the matter.

#### **Portion of Lot Apra Harbor Reservation F-12 (Matson) - \$25,000 per month**

- The Matson lease was scheduled to increase in May 2020 to 8% FMV based on appraisal however, the tenant is willing to increase their current rent by 8%. GEDA recommends accepting and is seeking approval from the Commission to accept tenant's offer.
- **Mr. Mendiola** requested for the Board's approval to increase Matson's rent by 8% without the appraisal.
- **Acting Chairwoman** asked if that GEDA's recommendation and if it will deviate from what is written on the Matson Lease. In the event the Commission decides to approve GEDA's recommendation of the 8%, they can cite that section of the Lease.
- **Commissioner Laguana** asked what brought the number 8%.
- **Mr. Mendiola** responded by saying the number eight (8) is based on the Escalation Clause/Schedule. Found in most Lease Agreements.
- **Acting Chairwoman** asked in comparison to getting an appraisal do you do one or the other? 8% increase or Fair Market Value?
- **Commissioner Eclavea** expressed that based on the Pandemic and the situation we are in, Matson is offering to pay the 8%, we should agree. But would like to hear what Commission Wessling has to say about it. Considering the economy.
- **Commissioner Wessling** asked GEDA how many square meters or acres is Matson leasing.
- **Mr. Mendiola** responded by saying approximately 30 acres.
- **Commissioner Wessling** commented that the area is approximately 121,410 square meters +/-; they are paying approximately \$25,000, which brings it to about \$.20 cents per square meters. How often are the increases based on the Lease?
- **Mr. Mendiola** concurred with the figures and responded increases are every 10 years.
- **Commissioner Wessling** asked if the Lease specifically state that the increase is based on an appraisal amount? Are we mandated to follow the mandates of the lease?
- **Mr. Mendiola** responded by saying that the Lease spells out how it will be calculated, however, if a tenant makes the request the Commission has the authority to make any changes they see fit if both parties agree.
- **Commissioner Wessling** asked if the language of the lease allow for such change. Asked if the lease says based on current appraisal value or if the parties deem appropriate. Expressed her concern that the lease may not have the language needed to make the change and doesn't want the Commission to be in violation. I would prefer to do some research based on the length of the Lease.
- **Mr. Mendiola** explained that based on his experience...if a tenant makes a request for a change, both parties have to agree. This practice was done with Northern Markets request for deferment. He then

requested guidance from Attorney Toft: If the lease says Escalation Grade to be determined by fair market value appraisal but the tenant requests for a different type of escalation. Is it within the Commission's authority to agree or disagree? Further expressed his concern regarding the risk of the appraisal coming in lower than the 8% increase on the Fair Market Value that was determined at the height of the Military Build-up.

- **Acting Chairwoman** stated that the Commission will have to deliberate on the matter and asked for GEDA to have Matson submit a formal request in case an amendment needs to be made on the lease.
- **Commissioner Camacho** recommended that the Commission reviews the lease. Further expressing that the \$25,000 rent was negotiated 10 years ago and that the Commission may be better getting an updated appraisal and for the Commission not to make a hasty decision.
- **Commissioner Eclavea** expressed that the two parties do have the authority to make an agreement and make the changes and stated that it has been done in the past. He also stated that it may be that the appraisal will come at a cost and instead they are agreeing to the 8% increase. Asked GEDA for clarification on the increase...it can go higher but not lower than what was already negotiated?
- **Commissioner Wessling** thanked Commissioner Eclavea for his comments and stated that it is important the Commission review the Lease one more time to see what it states regarding the increase and if the tenant is responsible for paying for the appraisal. Recommended to table the issue until they get a copy of the lease to review, revisit at the next meeting and have GEDA obtain a formal request from Matson addressed to the Commission so it can be addressed.
- **Commissioner Laguana** stated that he is in agreement with Commissioners Camacho and Wessling as not being too hasty. Take everything with consideration. Recommended that they listen to all the recommendations as they come in and keep their discussions at a minimum because there are other people there and some matters need to be discussed internally.
- **Acting Chairwoman** requested Mr. Mendiola to ask Matson to present their request along with GEDA's recommendations. Advised him that they will review the Lease and they tabled this discussion.

#### **Portion of Lot Apra Harbor Reservation F-12 (Remainder)**

- It is GEDA's understanding that there are a number of interests in the remaining vacant portions of Polaris
- **Mr. Mendiola** informed the Commission that Mr. Limtiaco and Mr. Swavely have both expressed interest in this property. Did not want go into details on this property in the event the Commission would like him to RFP the property.

#### **N5D Mangilao (Route 15)**

- In August 2020 GEDA was informed by legal counsel that the Commission had signed a settlement agreement with WSTCO concerning this license.
- GEDA is in process of drafting RFP and will consult with DLM and Mangilao Mayor's Office with regard to Rt 15 access for adjacent cliffside residents
- **Mr. Mendiola** questioned Attorney Toft if his statement at the last meeting was correct that there was a settlement agreement between WSTCO and GALC and the property is legally free and clear for an RFP.
- **Attorney Toft** responded that was correct.

#### **Tiyan Properties**

- **Guam Environmental Protection Agency (GEPA)**
  - GEDA received and publicly opened 2 bids in response to the IFB on Oct 30, 2020. The bids came in as the following:

- \$148,667.00 for JRB Modern Tech
  - \$447,770.00 for Murphy Enterprises
- If ok with the Commission, GEDA will cancel current bid due to bids exceeding budget
- GEDA collaborating with Executive Director to revise Scope of Work (SOW) and will reissue Bid within the next 2 weeks.
- **Mr. Mendiola** requested for approval to cancel current Bid.
- **Acting Chairwoman** granted her approval and asked the Commissioners for any motions. Commissioner Eclavea requested for a quick discussion on the matter.
- **Commissioner Eclavea** asked about the Scope of Work
- **Acting Chairwoman** asked Mr. Mendiola to provide a brief summary of what happened. Also, shared her concerns regarding having someone certified to monitor the pouring of the roof. Can it be incorporated in the scope?
- **Mr. Mendiola** responded by saying it can be and that every bidder is required to provide a copy of their license from Guam Contractor's Licensing Board showing they are qualified to do the work. Explained that the current Scope was too detailed and every contractor has their own method of doing their work.
- **Acting Chairwoman** stated that she wants assurance that quality work is done on the roof.
- **Commissioner Wessling** thanked Mr. Mendiola for his statement. Informed him that the Commission is looking at what is their long-term desire for this building. Stated that you get what you pay for, therefore, I caution you on leaving the Scope of Work too broad in general and asked that you put some specific on it.
- **Commissioner Rios** explained that based on the age of the buildings he believes that majority of the work is for the disposal of the roof materials. He stated that he would like to do an inspection along with Mr. Burch and Mr. Mendiola and volunteered to assist with the Scope of Work.
- **Acting Chairwoman** thanked him for his assistance.
- **Commissioner Eclavea** informed the members that there have been several site visits done on the roof in the past and Commissioner Rios was correct to say that majority of the work will be the cleaning and disposal of roof materials.
- **Mr. Mendiola** requested again for the Commission's approval to cancel the current bid because the cost for the bids went over the amount available.
- **Acting Chairwoman** instructed Mr. Mendiola to cancel the bid, submit another bid, work with the Commissioners on another site visit, and come up with a revised Scope of Work to include the cleanup.
  - DPHSS (WIC)
  - Commission indicated GEDA will resume management of this property.
- **Mr. Mendiola** asked to confirm that this license is back with GEDA?
- **Members of the Commission** yes, it is.
  - 3 House Lots (Across DHL)
  - Executive Director has communicated that GEDA is to assume management of these properties. As well, it is GEDA's understanding that there is/are interests in these properties.

#### **Andersen South (Marbo Area) 395 acres**

- DON was published in the PDN February 27 & 28, 2020.
- GEDA prepping to issue RFP for property. Anticipated issuance within 2 weeks.
- **Attorney Toft** asked GEDA if the DON needs to go to the Legislature if it is over 5 years.
- **Mr. Mendiola** responded by saying that with the DON it is more of a notification that we intend to issue an RFP in anticipation of a contract longer than 5 years, if the proposal comes in less than 5 years

then the Commission has the authority to approve if the proposal comes in longer than 5 years then that requires Legislature approval.

- **Acting Chairwoman** asked what properties were worked on for the Determination of Need.
- **Mr. Mendiola** explained and cited P.L. 34-99, that if any government agency is going to secure a contract for longer than 5 years they must go through this process. The requesting Agency must publish a Determination of Need which is a justification of why a lease or contract needs to be for longer than 5 years. GEDA has published this on behalf of the Commission as required by law.
- **Attorney Toft** asked Mr. Mendiola if a copy of the DON was submitted to the Speaker.
- **Mr. Mendiola** responded yes.
- **Attorney Toft** stated that the next step is for the Legislature to approve any lease that comes out of that.
- **Mr. Mendiola** responded yes, that is my understanding of the law, informed the Commission that the next step is to issue the RFP for Andy South. GEDA is just about complete with the process and should be able to issue in about 2 weeks.
- **Acting Chairman** asked if GEDA has any checks to give to GALC.
- **Mr. Mendiola** informed the members he is currently working from home and that GEDA accounting office has been diligently working at collecting payments for GALC even during the lockdown.
- **Acting Chairwoman** acknowledged Mr. Mendiola for his collection of rent and thank him for his work.

#### **B. GALC Bank Account Update (Coast 360)**

- **Executive Director** informed the Commissioners that there was no change to the bank accounts from the last meeting and that the reason of this being on the Agenda is to approve the Resolution that is required by Coast 360 for signature authority.
- **Acting Chairperson** approved the Resolution and provide the minutes as approved by the board.
- **Commissioner Wessling** made a motion to approve Resolution 2020-005 as presented.
- **Commissioner Camacho** seconded the motion
- **Acting Chairwoman** puts the motion to a vote to approve the Resolution 2020-05, all those in favor say “aye”, Commissioner Eclavea, Commissioner Camacho, Commissioner Wessling and Commissioner Rios (4 ayes). All those not in favor to approve Resolution 2020-005, say “nay” (0 nays). The ayes have it. Motion approved.

**C. GEPA Roof Repair – Building No. 15-6100 Tiyan** (discussed during GEDA’s Report)

**D. Office Space** (discussed during Executive Director’s Report)

**E. FY21 Budget** (discussed during Executive Director’s Report)

### **NEW BUSINESS**

#### **A. Carlos Camacho – Northern Market**

- **Mr. Camacho** gave a brief history of the Northern Market for the new members. He explained that when he first asked for the deferment it was due to the H2 workers situation on Guam, not having enough laborers and the cost of construction was so astronomical that it did not make sense for them to take that risk. He also informed the Commissioners that their Commercial Master Plan and Permits for construction have been approved. He further explained that he requested for a deferment of Rent and not a forgiveness. They have been paying on the deferred amount with interest up until April 2020. March of this year the Pandemic hit then caused a Government shutdown. Partial operations of Essential establishments. His group has decided to redevelop and redo the Master Plan. Started to incorporate essential aspects in the event there is a similar shut down, they’re tenants are not shut down.

He further explained that he is requesting for a full deferment and when asked by GEDA for how long he responded up until September 2021. Requesting for a one-year full deferment so his group can redirect their development plan. He requested the Commission to reconsider his deferment request.

- **Acting Chairwoman** asked Mr. Mendiola what is his (GEDA's) recommendation, stating that the Commission will always want to hear from the Managers of the properties.
- **Mr. Mendiola** responded by saying that his recommendation is to approve. Northern Market have always shown to be a responsible tenant and have been faithful in keeping up with their payments as agreed upon. GEDA is in support of Northern Market's request.
- **Acting Chairwoman** informed GEDA that she would like their recommendation in writing.
- **Commissioner Eclavea** directed his question to Mr. Camacho, asked him what about the interest payment or is the deferment for both rent and interest?
- **Mr. Camacho** responded that in the agreement the deferred amount is 1% of the monthly rent which is then added to the monthly rent to total the deferred amount due. Mr. Camacho further stated that they can pay for the interest if that is what the Commission would like, but due to their cash flow it may be difficult due to the pandemic.
- **Commissioner Wessling** thanked Mr. Camacho for his testimony and applauded him for thinking outside of the box in redesigning of his commercial market. Informed him that it is the responsibility of the Commissioners is to the Commission and to look after best interest of what GALC was developed for. She asked Mr. Camacho to speak with his partners about the possibility of some form of payment towards the interest in any amount.
- **Mr. Camacho** responded and said that he will speak to his partners and thank Commissioner Wessling for making the request. He will speak with his partners regarding the counteroffer and get back to the Commission.
- **Commissioner Wessling** responded that as soon as he receives the decision then he should bring it back to the Commission for their consideration in granting the request.
- **Mr. Camacho** thanked Commissioner Wessling for her candor.
- **Acting Chairwoman** asked the members if they will agree to table the discussion until next meeting. We will have GEDA submit their request in writing
- **Commissioner Eclavea** asked if they should table the item since the interest is not conditional or should just make a motion to grant the request; because the request is not contingent on the interest payment.
- **Commissioner Wessling** mentioned that she would not like to move to make any decision because she asked Mr. Camacho to check with his partners and would like to wait for their decision.
- **Mr. Camacho** made a point of clarification, that the interest payment was brought up by the Commission and his request is for a full deferment to include the interest accrued.
- **Commissioner Eclavea** made a point of clarification that he wanted to know of the deferment included interest payment in his request.
- **Acting Chairwoman** explained that she wants to table the issue in the event the Commission may receive some kind of payment.
- **Commissioner Camacho** commented that what is being requested is not unreasonable and personally would like to see the commercial building a success and is grateful that the developers are thinking of ways that will benefit the Commission in the long run. Further stated that the request is reasonable and something that should be considered. Should they be able to pay something that will be icing on the cake which is more than what they proposed. She further mentioned that she really would like this development to be successful and that the length of time is for 10 months.
- **Mr. Camacho** explained that when he submitted his letter GEDA told him that he needs to put a date, that's when he decided to put a date, which he feels is enough time to complete the redesign. This doesn't prevent them from coming in and making a payment should things get better. He is requesting for the full deferment so they can redirect their resources to complete the plans.

- **Commissioner Camacho** stated that she is hoping they can come up with a viable solution and suggested to change it to a 6 months deferment and take another look at the situation again. 6 months from now which will bring us to May or June. Is that enough time?
- **Mr. Camacho** informed the Commissioners that he hopes what will happen in the first quarter of the new year is for the PCOR status changes; the vaccine comes in soon to bring back consumer's confidence in coming out and traveling again. Should this happen then yes this is something they can do.
- **Commissioner Camacho** stated on behalf of the Commission is something he should consider then come June reevaluate his situation and maybe be able to pay on his rent and interest and if not then come back to the Board and talk about again.
- **Mr. Camacho** stated that the flexibility is there and in six months he should be able to bring the new plans in for review.
- **Acting Chairwoman** asked Commissioner Wessling if she still wants to table the issue and wait for Mr. Camacho to come back after all the discussions that have been made.
- **Commissioner Wessling** explained that she only brought it up because she heard Mr. Camacho say he needs to talk with his partner to make any type of payment during that period. Stated that Commissioner Camacho raised a good point about some of the possibility. We are all in the same mindset that they all want to see success. Mr. Camacho is not asking to forgive the amount.
- **Mr. Camacho** asked to keep to his request for the September 2021 and if they are able to find some financial resources then they will contribute to pay down the accrued amount at that point. Requested for the Commission to give him the opportunity to make contributions based on available financial resources.
- **Commissioner Rios** thanked Mr. Camacho for the detailed report and conveyed that the Commissioners speak on behalf of the stakeholders. He asked if Mr. Camacho can come up with a small amount to show that the Commission is doing the best they can for the stakeholders and to show that there is some kind of income on that property. We can table the discussion until you come back or the Commission will have to come up with an amount.
- **Commissioner Eclavea** proposed that they take Commissioner Camacho's request and go with a fixed date up to June and come back in for another request if needed per your request. Instead of September it will be up until June non-conditional.
- **Mr. Camacho** agreed with the compromise.
- **Commissioner Eclavea** motioned to approve the request changing the date to June 2021.
- **Acting Chairwoman** clarified that the motion does not include any payments
- **Commissioner Eclavea** said that payment will be at the discretion of Mr. Camacho and is not a condition based on the Pandemic. Stated that they are not sacrificing their fiduciary duty to the Board.
- **Commissioner Camacho** seconded the motion to approve the request for full deferment for Northern Markets until June 2021.
- **Acting Chairwoman** puts the motion to a vote to approve the request for full deferment for Northern Market to June 2021 to a vote, all those in favor say "aye", Acting Chairwoman, Commissioner Eclavea, Commissioner Camacho, Commissioner Wessling and Commissioner Rios (5 ayes). All those not in favor to approve Resolution 2020-005, say "nay" (0 nays). Unanimous. Motion approved. Reminded Mr. Mendiola that the Board still wants his recommendations submitted.

## **B. Daniel Swavely – Smithbridge**

Thanked the Acting Chairwoman for putting him on the agenda. Stated that he learned that GEDA will be putting the properties at Polaris Point and Andy South out for RFP.

- **Commissioner Eclavea** disagreed with the statement
- **Mr. Swavely** asked for clarification or correction.



- **Executive Director** stated that the response should come from GEDA.
- **Mr. Mendiola** explained that it his understanding that the Board instructed him to proceed with the RFP for both properties in the last meeting.
- **Commissioner Eclavea** stated that they only authorized him to look into the possibility for all those properties but have not made a decision or authorized you to go ahead with it and that if he is correct GEDA is still preparing the RFP.
- **Mr. Mendiola** apologized and stated that he was under the impression that the Board instructed him to proceed with the RFP and that they are working on it.
- **Commissioner Eclavea** informed Mr. Mendiola that the Board does want him to move forward then come to the Board for approval prior to issuing the RFP and asked if he was arbitrarily going to issue it.
- **Mr. Mendiola** responded that he is not arbitrarily doing anything.
- **Commissioner Eclavea** explained that they will prepare it then come to the Board to tell them they are ready to issue. That's when the Board will approve GEDA to issue the RFP.
- **Mr. Mendiola** agreed.
- **Acting Chairwoman** emphasized that it was recommended by the Director to have GEDA work on it because the Commission doesn't have the staff or expertise to handle the RFP
- **Commission Eclavea** agreed with her statement and reiterated that he is only saying that GEDA comes to the Board for the final issuing of RFP.
- **Acting Chairwoman** agreed and said that after the documents are submitting and reviewed along with 2 or 3 Board members, then GEDA presents the proposal to the Board. That is the normal process.
- **Commissioner Eclavea** acknowledged the statement and said that the intent is to RFP as many of the properties that they can. Further stated that the Board is not ready to issue out any RFPs until GEDA is finished.
- **Acting Chairwoman** re-iterated that based on the minutes of the last meeting GEDA was given authorization to RFP all Ancestral Lands properties that are available.
- **Mr. Swavely** thanked the Commissioner for the clarification and stated that knowing that the instructions to prepare has been given. It is a good day for him and stated that it will be a better day for the Commission as soon as they approved the issuance and the bids come in.
- **Acting Chairwoman** thanked Mr. Swavely for his interest. Asked Mr. Mendiola if the RFP's will be published and recommended for Mr. Swavely to give his contact information to Mr. Mendiola. Called for Mr. Limtiaco.
- **Executive Director** responded that Mr. Limtiaco was not present at the time and said that he had an appointment and may gone into overtime. He suggested to table Mr. Limtiaco's issue to the next meeting and asked if it is the intention of the Commission to have a meeting in 2 weeks or wait because of the Holiday season
- **Acting Chairwoman** asked for the consensus of the Commission and stated that she knows the preparation of the minutes is really lengthy, I would like to applaud Cathi for doing that.
- **Commissioner Camacho** directed her question to the Executive Director. Is there anything that the Board needs to address immediately to get the office operational.
- **Executive Director** stated that the Commission has already given him everything he needs at this time.
- **Commissioner Camacho** asked if GEDA will have the RFP within 30 days.
- **Mr. Mendiola** confirmed
- **Commissioner Camacho** suggested to schedule the next meeting when GEDA is ready so that the Board and review the RFP, so the Board can entertain any interested tenants.

### C. Michael Limtiaco – Pacific Trucking & Fleet Services

- **Mr. Limtiaco** thanked the Commission for taking his call and having the opportunity to address the Commission on their interest to rent the Polaris Point property. Explained that there have been serval meetings with the Commission and Attorney Toft drafted a licensing agreement prior to the

- Pandemic back in March. Asked if the Polaris Point property be put back on RFP and does that make the agreement now Null and Void?
- **Acting Chairwoman** responded by saying yes, and that based on the recommendation of the Executive Director all of the properties are now going to go through RFP because we don't have the staff or the expertise to handle the properties.
  - **Mr. Limtiaco** stated that the properties have been put out on RFP several times with no respondents. Is there a position from the Commission that somehow things have changed?
  - **Acting Chairwoman** responded by saying that he will still have to go through GEDA who will bring it up to the Commission.
  - **Mr. Limtiaco** asked for the GEDA rep to chime in and asked if it is correct that the property has been put out several times without a respondent?
  - **Mr. Mendiola** stated that the property was put out on RFP out twice before with a bidder that GEDA could not come to terms with and once with no response.
  - **Mr. Limtiaco** asked if it is GEDA's recommendation to put it back out for RFP despite the fact that no one responded and considering the current economic situation? Is there an anticipation that there will be more respondents?
  - **Mr. Mendiola** responded that the reason why they recommended RFP for a property is when someone comes in and expresses interest. You have expressed interest as well as Mr. Swavely. Acknowledge the fact that there have been discussions between you and former Executive Director Mr. Angoco, but not kept in the loop.
  - **Mr. Limtiaco** explained that the meetings were held on 3 separate GALC open meeting, to the point that the Licensing Agreement was already drafted. At the last meeting a site visit was to be scheduled with the Commission after bringing up some issues with the property. He disagreed with the statement that the conversations were between him and Mr. Angoco.
  - **Mr. Mendiola** apologized and clarified that he only meant that GEDA normally handles GALC properties but Mr. Limtiaco's license agreement did not go through GEDA.
  - **Mr. Limtiaco** stated that he had nothing to do with the process and it was the Commission's decision to proceed with the Licensing Agreement. Informed the Commission that he was not aware there was another interested party. He then asked if they are interested in all of the property or just a portion of it. He wants to understand why they are going backwards.
  - **Mr. Mendiola** responded that he is aware that there is interest in the property and doesn't want to know too many details so not to compromise the RFP process. But we need to receive any details in a proposal.
  - **Mr. Limtiaco** stated I have nothing to present now that the property is going out on RFP. I will then need to submit my proposal when the RFP comes out.
  - **Acting Chairwoman** thanked him for his interest and suggested for him to give GEDA his phone number so they can inform him when they publish the RFP.

## **PUBLIC COMMENTS**

None

## **ANNOUNCEMENTS**

- Next GALC Board Meeting is scheduled for **Wednesday December 16<sup>th</sup>, 2020 at 2:00pm via ZOOM.**

## **ADJOURNMENT**

- **Acting Chairwoman** thanked everyone for joining the meeting and adjourned the meeting at 4:45 p.m.

**Additional Remarks:** The summarization of the GALC Board Meeting Minutes has been approved by the board due to the shortage of GALC Staff. Please refer to the Office of Public Accountability (OPA) Website for the GALC Board Meeting Minutes Audio Recording for detailed information.

**APPROVED BY:**

**DATE APPROVED:**



12/30/2020


**Maria G. Cruz, Acting Chairwoman**  
Guam Ancestral Lands Commission

**TRANSCRIBED BY:**



**Cathi Blas, Administrative Officer**  
Guam Ancestral Lands Commission

**REVIEWED AND APPROVED BY:**



**John T. Burch, Executive Director**  
Guam Ancestral Lands Commission