

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

**January 27, 2021 • 2:07 p.m. to 3:13 p.m.**

**Notices were published in the Guam Post on Wednesday, January 20<sup>th</sup>, 2021 and  
Monday, January 25<sup>th</sup>, 2021, in the Guam Daily Post**

**I. CALL TO ORDER**

**Chairman Eclavea** called the virtual regular meeting of the Guam Ancestral Lands Commission to order at 2:05 p.m. In Compliance with Public Law 24-109, Guam Ancestral Lands Commission announced the virtual meeting on Wednesday, January 20<sup>th</sup>, 2021 and Monday, January 25<sup>th</sup>, 2021 in the Guam Daily Post.

**II. ROLL CALL**

**Commission Members Present:** Chairman Ronald F. Eclavea, Vice Chairman Ronald Laguana, Secretary/Treasurer Maria Cruz, Commissioner Camacho, Commissioner Orlino, Commissioner Wessling. **Excused Absence:** Commissioner Jeffrey Rios. **Staff Members Present:** Executive Director John Burch, Administrative Officer Cathi Blas, Attorney Nicolas Toft, Land Agent II Joey Leon Guerrero.

**III. APPROVAL OF MINUTES**

▪ **Minutes of December 30<sup>th</sup>, 2020 – Summarization**

- **Chairman** states that he's ok with the minutes notwithstanding the typos.
- **Commissioner Cruz** makes a motion to approve the minutes of December 30<sup>th</sup>.
- **Commissioner Wessling** concurred with Chairman Eclavea's statement and approved the minutes commenting that there are a few typos that need to be corrected other than that the context reported well what was discussed on the last meeting.
- **Commissioner Cruz** made the motion to approve the minutes of the December 30<sup>th</sup> meeting subject to the minor typo error corrections.
- **Commissioner Laguana** seconded the motion
- **Chairman Eclavea** put the motion to vote. All in favor say aye (Commissioners Cruz, Orlino, Wessling Laguana and Chairman) motion passes.
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**IV. EXECUTIVE DIRECTOR'S REPORT**

The following are updates for the Guam Ancestral Lands Commission:

**Annual Audit:**

The annual audit of the Commission's financial statements and other reporting for FY2020 has begun. We met with the Office of Public Accountability and Deloitte & Touche LLP on January 15 and January 22, 2021. The main topic of discussion was the status of the Commission's unaudited financial statements and trial balances that were prepared and provided to Deloitte & Touche.

Of great concern was the deposit of the AT&T lease proceeds into the SIDF. The OPA and Deloitte & Touche were concerned that the deposit of the lease proceeds into the SIDF was an error on the part of the Commission. We advised the OPA that the basis for depositing the AT&T lease proceeds into the SIDF was the legal opinion provide by Assistant Attorney General Nicolas Toft.

The OPA requested a copy of Attorney Toft's legal opinion and instructed us not to expend or move any of the AT&T lease proceeds until notified by his office. Because of the concerns expressed by the OPA and Deloitte & Touche, we recommend not to establish another bank account at this time for the SIDF. Other than this issue, all unaudited financial statements and trial balances that were prepared and provided to Deloitte & Touche were accepted as is.

- **Chairman** asked if the OPA and Deloitte & Touche specified what the error was on the part of the Commission.
- **Director** responded that the property that AT&T is leasing at Tanguisson is not listed in the Enabling Act.
- **Chairman** commented that the OPA and Deloitte are looking at the deposit of the AT&T lease proceeds into the SIDF from a budgetary viewpoint instead of a legal viewpoint.
- **Director** responded, yes, the OPA and Deloitte are not looking at it from a legal viewpoint.
- **Chairman** asked if waiting for the OPA's review of Toft's legal opinion will affect the Tiyan renovations.
- **Director** responded, no, it won't affect it.
- **Commissioner Cruz** asked for clarification about continuing with the deposits in the meantime.
- **Director** responded, yes, the deposits will continue, but that the AT&T funds are not to be touched until the OPA renders their decision and/or legislation is approved for the Commission to do so.

#### **Draft Legislation:**

On January 15, 2021, I met with Speaker Therese M. Terlaje. She was very concerned with the difficulties the Commission has been having with the budget allotment schedule established by BBMR for FY2021. She instructed me to send her the language needed to amend Title 21 GCA Chapter 80 in relation to the SIDF. More specifically, she wanted to review the language BBMR claimed the Legislature failed to include when they passed the FY2021 Budget Law.

She also asked for us to forward to her the draft legislation Assistant Attorney General Nicolas Toft prepared and the Commission submitted about three years ago to clarify the Statutory Mandate of the Ancestral Land Bank Trust.

As recommended by Attorney Toft and approved by Chairman Eclavea, Section 13 was added to the draft legislation to include the AT&T lease proceeds into the SIDF. The document was submitted to Speaker Terlaje for her review. See Attachment #1.

- **Chairman** asked if the board members are fine with the draft legislation.
- **Commissioner Cruz** commented that she feels it is unfair that the draft legislation includes properties that the Federal Government has not yet released to GovGuam, and that she was on sabbatical leave when this change was made.
- **Chairman** replied that there were two conflicting legislations and that the board decided to include all properties.
- **Commissioner Cruz** mentioned GALC's previous legal counsel Kristin Finney's interpretation of this matter.
- **Chairman** replied that the AG confirmed that either way the board went was unenforceable.
- **Director** asked Toft to explain.
- **Attorney Toft** said that ultimately it is the Legislature that decides this issue.
- **Vice Chairman** mentioned the Federal Government's reversionary clause to include lands for public use before releasing the lands, e.g., the baseball field at Tiyan.
- **Chairman** said he believes that the clause only applied to Tiyan.

- **Commissioner Cruz** commented that she understands that it's in the hands of the Legislature.
- **Chairman** commented that for the record he and Commissioner Cruz were on the same side of this issue when it was discussed previously.

**Budget:**

The Commission is requesting to establish a petty cash fund of \$200.00 to be used to cover minor expenses. That the petty cash fund be replenished every four weeks to its designated balance and the responsibility for the petty cash fund is to be assigned to Administrative Officer Catherine Blas. The source for replenishing the petty cash fund to be GALC's Operations Funds.

The Commission is requesting to purchase its own Zoom License due to the COVID-19 public health emergency that has forced Commission meetings to be held via teleconference. The current Zoom Account is the personal account of the Executive Director. The annual cost of Zoom Meetings Pro License is \$149.90. Because Zoom currently does not accept Government of Guam Purchase Orders, it is also requested that a designated GALC staff be approved to purchase the Zoom License with their personal credit card which is to be reimbursed by the Commission. The source for the reimbursement to be GALC's Operations Fund. See Attachment #2.

- **Vice Chairman** made a motion to establish the petty cash fund of \$200 as well as to purchase the Zoom license.
- **Commissioner Wessling** seconded the motion.
- **Chairman** asked if the motion included reimbursing the GALC staff who will be using their personal credit card to purchase the license.
- **Vice Chairman** replied yes.
- **AO Blas** wanted clarification that the \$149.90 would not be coming out of the petty cash.
- **Director** said it would not, that it's separate.
- **Chairman** asked for a vote and all voted, "Aye."

**Commissioners' Stipends:**

In order for the Commission to process Stipends, please complete and return the Vendor Record / EFT Establishment Request and Emergency Personnel Data Sheet. If you need assistance please contact Cathi Blas, Administrative Officer, at cathi.blas@galc.guam.gov.

**Office Space:**

The Commission's new office space of the third floor of the ITC Building is still under renovation.

**V. OLD BUSINESS**

**A. GEDA: Progress Report – Presented by Tony Arriola also present is 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)**
  - No changes from last report.
- **Apra Harbor Parcel No. 1 (Commissary Junction) – \$3,910.52/Month**

- KwikSpace – Tenant is current with its lease rents.
- **Apra Harbor Reservation F-12 (Matson)** – \$25,000.00/Month
  - Matson Navigation Company – Tenant is current with its lease rents.
  - Matson has submitted an official letter to request a waiver of the Appraisal and instead only increase their base rent by 8%.
    - Commissioner Cruz asked why Matson requested a waiver.
    - Commissioner Camacho asked how this waiver benefits the Commission.
    - Ms. Joann Cruz replied that the appraisal more than likely will not increase, so GEDA's position is to take Matson's offer of an 8% increase.
    - Chairman commented that he is in favor of the waiver. He also asked if the contract could be changed from 10 years to 5 years.
    - Ms. Joann Cruz replied, yes.
    - Commissioner Wessling asked if GEDA tried to reach out to appraisers.
    - Ms. Joann Cruz replied, no, because they would have to pay for that.
    - Commissioner Wessling said that she meant to ask an appraiser for comps.
    - Commissioner Cruz asked to table the request until further info on appraisals on similar properties can be obtained.
    - Chairman questioned if it was necessary to delay this.
    - Vice Chairman responded that he was in favor of Matson's request.
    - Commissioner Camacho asked if we could get a recommendation from 2 or 3 appraisal companies.
    - Chairman asked GEDA if they could get some comps.
    - Ms. Joann Cruz replied that she reached out to 2 realtors, who have yet to respond. But she will try to reach out to appraisers.
    - Chairman commented that Commissioner Wessling has resources in this area.
    - Commissioner Wessling said, yes, and that she would be in touch with Ms. Joann Cruz.
- **Portion of Lot Apra Harbor Reservation F-12 (Remainder)** -
  - GEDA has finished drafting RFP and is ready to issue, pending legal counsel review.
- **AT&T – Tanguisson Cable Landing Station, Dededo (Lot 10192)** – \$22,939.42/Month
  - Tenant is current with its lease rents.
- **N5D Mangilao (Route 15)** –
  - GEDA is in the process of drafting RFP and is currently consulting with DLM and CLTC with regard to Rte. 15 access for adjacent Cliffside residents.
- **Tiyan Properties**
- **Guam Environmental Protection Agency (GEPA)** \$8,000.00/Month

- **GEPA Roof Repair**
  - GEDA collaborated with Executive Director and revised Scope of Work (SOW) and will reissue Bid, pending final review by legal counsel.
- **DPHSS (WIC)**
  - GEDA will contact DPHSS and inform GEDA will be resuming management.
- **3 House Lots (Across DHL)**
  - GEDA is consulting with DLM to obtain official maps for property description.
- **Andersen South (Marbo Area) 395 acres**
  - GEDA completed draft of RFP for lease and development and is ready to issue pending legal counsel review.
    - **Mr. Arriola** added in conclusion that they have three checks to give GALC.
    - **Chairman** asked if anyone had any questions about GEPA's roof repair. There were no questions.

## **VI. NEW BUSINESS**

### **The amended Quitclaim Deed on Nimitz Hill parcels 2, 4 and 5**

- **Attorney Toft** said there was a typo on the deed that GALC approved in 2006 to various estates of the Gumataotao family. Instead of 840,000 square meters the deed listed 840,000,000 square meters. The recommendation was to amend the deed with the correct lot size with a vote now.
- **Vice Chairman** made a motion to approve the amendment.
- **Commissioner Wessling** requested documentation with the correct land area.
- **Attorney Toft** said he could send out the documentation and that a vote could be taken now pending review of the documentation.
- **Chairman** commented that the property size is an approximation.
- **Attorney Toft** said that it is an approximation.
- **Commissioner Camacho** commented that she believes they are on the right track pending review of the documentation.
- **Vice Chairman** said that there was a motion on the floor that needs to be seconded.
- **Chairman** asked for a second. (No response)
- **Vice Chairman** amended his motion. He motioned to amend the quitclaim deed for the Nimitz Hill properties to the correct square meters pending the review of the documentation.
- **Commissioner Orlino** seconded the amended motion.
- **Commissioner Cruz** asked why this vote was necessary.
- **Attorney Toft** replied that it was to have a procedural record in case of any future litigation.
- **Chairman** asked for a vote. The motion passed with no nays.
- **Director** said that the next item was the Tiyan renovations, which was already fully presented in GEDA's report.
- **Chairman** said okay.

- **Director** said the next new business was the resolution for the transfer of SIDF to the operations fund. The recommendation was to hold off on any action until we hear from OPA.
- **Chairman** said okay.
- **Director** continued with the resolution for rules and regulations. He said they forwarded the amended version of the Enabling Act to the Speaker.
- **Commissioner Cruz** said it should just be a follow up, not a new resolution.
- **Director** said that that is what they are doing.
- **Vice Chairman** asked if it matters that the resolution had the names of the former board.
- **Chairman** asked for clarification that it was still an effective resolution.
- **Director** answered, yes.
- **Chairman** said he doesn't think it's necessary for a new resolution.
- **Director** said, yes, they are definitely doing a follow up.
- **Commissioner Orlino** said, yes, just a follow up.
- **Director** said, yes.
- **Chairman** said unless there are objections, they are good to go with it.
- **AO Blas** asked if the board was tabling the operations fund resolution, because there was no action taken.
- **Director** replied, yes, it has been tabled.

## **VII. PUBLIC COMMENTS**

- None

## **VIII. ANNOUNCEMENTS**

- Next GALC Board Meeting is scheduled for **Wednesday, February 10<sup>th</sup>, 2020 at 2:00pm via ZOOM.**

## **IX. ADJOURNMENT**

- **Chairman Eclavea** thanked everyone for joining the meeting and adjourned the meeting at 3:3:13 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:**

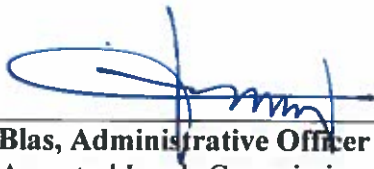
**DATE APPROVED:**



**Ronald F. Eclavea, Chairman**  
Guam Ancestral Lands Commission

02.10.2021

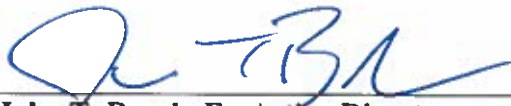
**TRANSCRIBED BY:**



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

**REVIEWED AND APPROVED BY:**



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