

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

**February 24, 2021 • 2:05 p.m. to 3:38 p.m.**

**Notices were published in the Guam Post on Wednesday, February 17, 2021 and  
Monday, February 22, 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, February 17, 2021 and Monday, February 22, 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 Rios, Commissioner Wessling. **Staff Members Present:** Executive Director John Burch, Administrative Officer Cathi Blas, Attorney Nicolas Toft, Land Agent II Joey Leon Guerrero, DOL Land Agent I Trainee Antolin Mendiola, DOL Administrative Aide Trainee Mara Perez.

- **Director** stated that Commissioner Wessling had texted to say she would be online soon and that they had a quorum.

**III. APPROVAL OF MINUTES**

▪ **Minutes of February 10, 2021 – Summarization**

- **Chairman** said he had no issues with the minutes.
- **Commissioner Cruz** motioned to approve the minutes.
- **Commissioner Orlino** seconded the motion.
- **Chairman Eclavea** put the motion to a vote, and the motion passed with all ayes (Commissioner Wessling not online, yet).

**IV. EXECUTIVE DIRECTOR'S REPORT**

The following are updates for the Guam Ancestral Lands Commission:

**Office Space:**

Office equipment purchased at the end of last fiscal year was delivered and set up in the new Commission Office on the third floor of the ITC Building. ITC management informed the Commission that the space should be ready for occupancy this week. During our walk through on Friday, February 19, 2021, we noted minor discrepancies with the restroom floor and drain, front door, and lighting above reception desk. ITC management is working on addressing these discrepancies.

The Commission's physical move to the new office is pending OTECH's review and setup of computer connections within the new office space. We respectfully request each Commissioner to please submit a photo of themselves to display in our new office.

- **Chairman** asked if the move to the 3<sup>rd</sup> floor was coming along without any major issues.

- **Director** said OTECH did a walk through and that when they are done with the computer connections GALC should be able to move.
- **Chairman** asked about the décor.
- **Mrs. Cathi Blas** said some of the staff would be loaning some decorations.
- **Chairman** asked if anyone had any questions.
- **Commisisoner Rios** said he felt that GALC would need WiFi in their new office space.
- **Chairman and Vice Chariman** both agreed.

#### **Vehicle Update:**

Replacement and reprogramming of the key for the vehicle is pending a third quote.

- **Commisisoner Rios** said he contacted Lucky Locksmith about GALC's situation with their vehicle's key.
- **Mrs. Cathi Blas** said that they got a quote from Mr. Concepcion of Lucky Locksmith, but that they would be getting a third quote from DPW.
- **Vice Chariman** said if the third quote does not come in a timely manner, then they could choose between the 2 quotes that they already have.
- **Mrs. Cathi Blas** said the procurement law requires that they get 3 quotes and that a no quote from a vendor qualifies as a quote.
- **Chairman** said that it sounds like the matter is not encountering any snags.

#### **Guam Environmental Protection Agency "GEPA":**

On February 11, 2021, during the Governor's visit to GEPA, GEPA management expressed their desire to obtain property formerly used as the Dededo Transfer Station to build their new offices. This property is not a part of the GALC inventory.

GEPA currently occupies Building No. 15-6101, Mariner Avenue, Tiyan, as office space and laboratory which provides revenue to the GALC Land Bank Trust at \$8,000 a month. GEDA has finished drafting the IFB for roof repair of Building No. 15-6101 and is ready for issue, pending review by legal counsel.

- **Commissioner Camacho** asked the Director if the roof repair will happen even if GEPA moves out.
- **Director** replied, yes.

#### **Payment Dispute GALC vs GEDA:**

On February 17, 2021, the Commission filed a payment dispute with GEDA with regards to GEDA's assertion that payments were made directly to the Commission on July 20, 2015 through check no. 588046. According to the ledger, GEPA's account was credited \$48,000 and GEDA management fees were assessed and later withheld from GEDA's remittance of lease payment on behalf of GEPA through check no. 45359 dated January 8, 2019. Please find attached AS400 printouts that supports the Commission's dispute. The printouts reflect through a GEPA memo dated September 1, 2015 check no. 0588046 was requested to be canceled and reissued. Subsequent that request check no. 0592926 was issued to GEDA. We are waiting for GEDA's response.

Thank you for the opportunity to present this update. Please let me know if further information is required.

- **Chairman** asked if the Board prefers to pose questions during or after the Director's report.
- **Commisisoner Cruz** said she prefers to do it during the report.
- **Chairman** asked the Director if that was okay.

- **Director** said it was fine for the Commissioners to interrupt him as needed.
- **Chairman** said he was in agreement and asked the Board if they had any questions for the Director. He also asked if the Board received GEDA's response to the payment dispute.
- **Commissioner Orlino** said she did not receive it.
- **Commissioner Cruz** said she needed to hear from GEDA that they are taking steps to ensure that an error like that does not happen again. She also asked if GEDA would be giving GALC any interest on the delayed payment.
- **Mr. Diego Mendiola** said that safeguards are in place to prevent such errors in the future.
- **Chairman** asked if there were any more questions.
- **Commissioner Cruz** said her second question had not been answered.
- **Chairman** asked if there was any precedence on such a situation.
- **Commissioner Cruz** suggested they table her question.
- **Chairman** agreed.
- **Vice Chairman** suggested that Commissioner Cruz write a formal letter to GEDA regarding her concern about interest on the delayed payment they made to GALC.
- **Director** said that he would contact GEDA's Director about the lost interest.
- **Chairman** asked if Commissioner Cruz was okay with that.
- **Commissioner Cruz** said yes.

## **V. OLD BUSINESS**

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

The following is a progress report on GEDA's efforts to manage Land Bank Trust properties as required by Section I(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%.

GEDA requests that the commission make their final decision on whether to approve the guaranteed 8% increase or require an Appraisal.

- **Chairman** asked the Board to continue their discussion regarding Matson's request of a waiver.
- **Commissioner Wessling** said she got appraisal estimates from 2 companies. One gave an estimate range of \$2,800 - \$4,000. The second gave \$3,000 - \$4,500.
- **Commissioner Camacho** reiterated that GALC would be reimbursed for the appraisal fee.
- **Commissioner Rios** expressed his concern of possibly losing the guaranteed 8% increase.
- **Chairman** concurred and asked the commissioners to give their input.
- **Vice Chairman** said he was with Commissioner Rios on this.
- **Commissioner Camacho** said that her gut tells her that the appraisal should be done.

- **Commissioner Wessling** said she is motivated to go with the appraisal, because the lease agreement states that the increase will be determined by an appraisal.
- **Chairman** said that he felt that the Board could not be faulted for going with Matson's offer.
- **Commissioner Cruz** said she preferred to have the appraisal.
- **Commissioner Orlino** said that she agreed with the Chairman.
- **Chairman** asked how the Board felt about going to Matson with a counter offer of accepting the 8% for 3 years.
- **Commissioner Camacho** said she felt that having the appraisal now or in 3 years would still benefit GALC, because of the ongoing military buildup.
- **Commissioner Rios** asked if GALC had that flexibility to counter offer.
- **Attorney Nick Toft** said yes.
- **Vice Chairman** said he is leaning towards the appraisal.
- **Commissioner Wessling** said GALC's counter offer should be retroactive to when the increase should have occurred, which was last year.
- **Vice Chairman** said he would really like to know the value per square meter of the land in that area.
- **Commissioner Camacho** made the motion to counter offer with taking the 8% for 3 years from the time the increase was supposed to take effect, which was last year. After the 3 years there would be an appraisal.
- **Mr. Diego Mendiola** pointed out that Matson doesn't have to accept the counter offer.
- **Chairman** said that the Board understood that. He said there was a motion on the floor from Commissioner Camacho..
- **Commissioner Wessling** seconded the motion.
- **Chairman** asked for individual votes.
- **Commissioner Wessling** said aye.
- **Commissioner Rios** said aye.
- **Vice Chairman** said aye.
- **Commissioner Cruz** said aye.
- **Commissioner Orlino** said aye.
- **Chairman** said aye and the motioned passed.
- **Director** asked if GEDA would be submitting the counter offer to Matson.
- **Chairman** answered yes.
- **Commissioner Orlino** requested the Board get copies of the counter offer.
- **Mr. Diego Mendiola** said okay.

**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.

**NSD Mangilao (Route 15)-**

GEDA submitted a Letter of Assistance to CLTC on Feb. 3, 2021, requesting assistance regarding CLTC residents traversing across Lot NSD to access their property.

GEDA received a positive response from CLTC stating that they are in full support of resolving easement matters along with the assistance of DLM representatives. Director Hattig also suggested we reach out to the Mangilao Mayor who has jurisdiction in requesting for the opening of an easement with the Dept. of Public Works.

## **Tivan Properties:**

### **Guam Environmental Protection Agency (GEPA) \$8,000.00/Month**

GEPA Roof Repair

GEDA has finished drafting IFB and is ready to issue, pending legal counsel.

### **DPHSS (WIC)**

No changes from last report.

### **3 House Lots (Across DH L)**

GEDA has consulted with OLM to obtain official maps and was inform that Survey Map is going through the process of being finalized and approved.

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

GEDA received final review of RFP from Legal counsel. RFP ad will be published this month.

- **Mr. Diego Mendiola** added that since the RFP for Andersen South is imminent that GEDA will be asking for any volunteers to sit on an evaluation committee.
- **Chairman** responded that the Board decided to put a halt to all RFPs until GALC looks into their ability to become developers.
- **Mr. Diego Mendiola** asked if that included Andersen South.
- **Chairman** answered yes.
- **Mr. Diego Mendiola** said that GEDA will pull back from issuing the RFPs that they were developing.
- **Chairman** asked whether the Board could look at those RFPs.
- **Mr. Diego Mendiola** asked Attorney Toft whether he could email the RFPs to the Board considering the Board has decided to cancel them.
- **Attorney Toft** replied yes, he could.

Should you have any questions, please contact Tony Arriola or Jo Ann Cruz at 647-4332. *Si Yu'os Ma'ase'* for your continued support in generating revenues for the beneficiaries of the Trust.

## **VI. NEW BUSINESS**

- **Director** said there was no new business.
- **Vice Chairman** said he wanted to add that the Farmers Coop Association of Guam's 7 year MOA is coming up in May and suggested the Board start considering how to deal with the matter.
- **Chairman** asked to add this to the next meeting's agenda. He said GEDA has been handling this matter.
- **Mr. Diego Mendiola** said yes and that GEDA has been keeping the Director informed of the situation.
- **Vice Chairman** asked GEDA to provide the new Board with information on the matter.

## **VII. PUBLIC COMMENTS**

- None

## **VIII. ANNOUNCEMENTS**

- Next GALC Board Meeting is scheduled for Wednesday, March 10, 2021 at 2:00pm via ZOOM.

**IX. ADJOURNMENT**

- Chairman Eclavea thanked everyone for joining the meeting and adjourned the meeting at 3:38 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:**

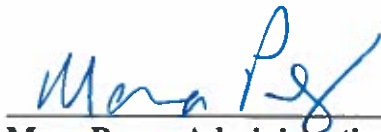
**DATE APPROVED:**



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



**TRANSCRIBED BY:**



**Mara Perez, Administrative Aide**  
Guam Ancestral Lands Commission

**REVIEWED AND APPROVED BY:**



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