

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

**March 10, 2021 • 2:11 p.m. to 4:18 p.m.**

**Notices were published in the Guam Post on Wednesday, March 3, 2021 and  
Monday, March 8, 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 2:11 p.m. In Compliance with Public Law 24-109, Guam Ancestral Lands Commission announced the virtual meeting on Wednesday, March 3, 2021 and Monday, March 8, 2021 in the Guam Daily Post.

**II. ROLL CALL**

**Commission Members Present:** Chairman Ronald F. Eclavea, Vice Chairman Ronald Laguana, Commissioner Angela M. Camacho, Commissioner Anita F. Orlino, Commissioner Jeffrey B. Rios, Commissioner Wessling. **Excused Absence:** Secretary/Treasurer Maria G. Cruz. **Staff Members Present:** Executive Director John T. 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 they had a quorum.

**III. APPROVAL OF MINUTES**

▪ **Minutes of February 24, 2021 – Summarization**

- **Chairman Eclavea** added a clarification of the minutes on page 5. He clarified they put a stay on RFPs, not a cancellation.
- **Commissioner Camacho** asked if they needed to vote on that.
- **Chairman Eclavea** said the matter is listed on the agenda. He asked if everyone was good with the minutes.
- **Commissioner Camacho** motioned to approve the minutes subject to the correction on page 5 and any typos.
- **Vice Chairman Laguana** seconded the motion.
- **Chairman Eclavea** moved to a vote and said the motion passed with all ayes.

**IV. EXECUTIVE DIRECTOR'S REPORT**

The following are updates for the Guam Ancestral Lands Commission:

**Office Space:**

March 1, 2021, we picked up the keys for the Commission's new office space on the third floor of the ITC Building. We are in the process of moving into the office. However, we cannot make the final move into the new office until O-Tech installs the needed drop lines for our computers.

**Budget:**

FY2021, the Commission became financially independent from the General Fund. The 35th Guam Legislature appropriated \$408,553 from the Commission's Survey, Infrastructure and Development Fund. However, according to BBMR, the Legislature failed to include language

authorizing the Commission to access 50% of the net proceeds of the AT&T Lease into the SIDF. As a result, BBMR adjusted the Commission's Budget Allotment Schedule to reflect a budget limit of \$290,599. Reducing the Commission's budget by \$117,954.

By order of the Governor, on March 4, 2021, BBMR transferred \$40,500 to the Commission from the DOI Compact Impact Fund. While these funds will permit the Commission to continue operations through the remainder of FY2021, the Commission's ability to operate will continue to be adversely affected.

The Commission was instructed that the funds transferred were to be used specifically for contract obligations. As a result, BBMR rejected the GG1 submitted for the one-year employment extension of Administrative Officer Cathi Blas. Mrs. Blas' current GG1 allows for another three months of employment.

Mrs. Blas has been integral to the reestablishment of the Commission's Office which was all but lost during the government shutdown. We are working to correct this oversight.

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

- **Chairman Eclavea** asked the Director if he foresees any issues regarding the budget.
- **Director Burch** responded that he is working quickly and that budgetary matters that should be automatic have been a challenge. He added he is hoping the OPA will be meeting with him this month regarding the funds in the SIDF. The Director said if the OPA agrees with Assistant AG Toft's legal opinion regarding the SIDF, then they will take their argument back to BBMR.
- **Chairman Eclavea** commented that GALC should also continue pursuing the legislative matter that Speaker Terlaje is working on for GALC. He brought up drafting a resolution, and asked Director Burch if he thought it was necessary.
- **Director Burch** said it wouldn't hurt to submit one. He added that he spoke with Speaker Terlaje last week, and she is well aware of GALC's situation.
- **Chairman Eclavea** said it wouldn't hurt to do a follow up resolution.
- **Director Burch** said that they would do one.
- **Chairman Eclavea** asked if there were any questions for the Director regarding his report.
- **Vice Chairman Laguana** said that the Board should and would do everything it could to ensure AO Cathi Blas' GGI is accepted.

## **V. OLD BUSINESS**

### **A. GALC: RFP Status Update**

- **Chairman Eclavea** said the Board had a work session and that one of the topics discussed was the Enabling Legislation regarding the Board's ability to act as developers. He recalled that it was put in one of the Board's previous meetings, but that no formal decision was made.
- **Commissioner Camacho** recommended that GALC moves forward with the 2 RFPs at Polaris, because there would be nothing to lose.
- **Commissioner Wessling** agreed to go forward with the Polaris RFP, but she suggested that in the future GALC look at other properties with an eye towards development or to lease.
- **Mr. Mike Cruz** clarified that GEDA put 3 RFPs under stay: Andy South, Polaris Point, and GEPA building repairs.

- **Director Burch** said the GEPA repairs is an IFB, not an RFP, but that the Mangilao property might fall under the stay.
- **Mr. Mike Cruz** said there is also the 3 buildings in Tiyan with boundaries issues.
- **Chairman Eclavea** argued against moving forward with the RFPs, because he said once companies submit their proposals GALC should act on it. He said that is why he is for the stay on RFPs.
- **Commissioner Wessling** asked that GEDA provide a land inventory for the Commission.
- **Chairman Eclavea** said that GEDA only has land information based on what GALC asks them to work on. He added GALC's Land Agent II Joey Leon Guerrero would have a full understanding of what lands GALC has
- **Commissioner Wessling** said the Board needs to have a land inventory in order to move forward, to have clear goals, and to be able to focus on those goals.
- **Chairman Eclavea** agreed.
- **Commissioner Wessling** suggested they needed a timeline to get started on this, because there should not be a stay on RFPs for a long time.
- **Chairman Eclavea** said they needed to move cautiously, to not do a rush job, which is why he believes they stick with the stay.
- **Vice Chairman Laguana** said he believes it's high time they had a land inventory.
- **Land Agent II Leon Guerrero** said under Director Angoco GALC gave a list of properties to the Board, and the Board selected some properties. GALC was to work with Land Management to survey the properties. The properties were in Radio Barrigada, GALC's former offices in Tiyan, and Nimitz Hill. However, Land Management was unable to survey the properties, because they had a project from the Governor's Office.
- **Chairman Eclavea** said the Board needed to look at all the properties and to have discussions on what action to take with the properties.
- **Commissioner Orlino** asked if all RFPs were under a stay.
- **Chairman Eclavea** said that is still under discussion.
- **Mr. Tony Arriola** asked if the RFPs for Andy South and Polaris Point were under a stay.
- **Chairman Eclavea** said it was his intention to have a stay on those 2 RFPs until the Board gets a clear idea on what they have.
- **Vice Chairman Laguana** motioned to put a stay on the RFPs for Andy South and Polaris Point in a resolution.
- **Commissioner Orlino** seconded the motion.
- **Chairman Eclavea** called for individual votes.
- **Vice Chairman Laguana** said he approved.
- **Commissioner Orlino** said she approved.
- **Commissioner Wessling** said she approved.
- **Commissioner Rios** abstained.
- **Commissioner Camacho** abstained.
- **Chairman Eclavea** said he approved and said that the motion passed.

**B. GEDA: Progress Report – Presented by Tony Arriola, also present is Jo Ann Cruz and Mike 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.

- **Chairman Eclavea** asked when their rent deferment expires.
- **Mr. Arriola** replied June 2021.

- **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 submitted to Matson an official letter in response Request to Waive proposal based on GALC board approval on the following conditions:

1. The 8% increase will be effective for three (3) years.
2. Effective May 1, 2020 monthly rent will be \$27,000.00.
3. After the 3<sup>rd</sup> year, Matson will be required to order an appraisal of its leased property as stipulated in original lease agreement.

Awaiting response from Matson.

- **Lot Apra Harbor Reservation F-12-R2 (Trans Steel)** - \$500/Month

License agreement is expired as of May 31, 2018. Tenant is on a Month-to-Month tenancy.

On February 24, 3021 GEDA sent a letter to Trans Steel informing them that GEDA will be taking over property management of the property they occupy.

Mr. Pearson spoke with GEDA/RPD staff on Feb. 26 and acknowledged the arrears balance of \$10K that he owes to GALC and made assurances that as soon as he is able to travel to Majuro for a job, he can begin to make payments. He will be sending a letter to confirm.

- **Commissioner Wessling** asked when Trans Steel last made a payment.
- **Director Burch** said their last payment was in FY2019.
- **Commissioner Wessling** asked if notices of default were issued.
- **Director Burch** said he believes GEDA made contact and that the Commission has been aware of this situation and should be reflected in the minutes
- **Commissioner Wessling** asked what is meant by, “when Mr. Pearson is able to travel to Majuro.”
- **Mr. Arriola** said Mr. Pearson is expected to work on a construction job in Majuro, but that GEDA is waiting for an official letter with more details.
- **Commissioner Wessling** asked if Mr. Pearson still has his stuff on the property.
- **Mr. Arriola** said he believes so.
- **Commissioner Wessling** asked if GEDA has done a site inspection.
- **Mr. Arriola** answered not recently, but that GEDA could do one.
- **Commissioner Wessling** said it would be nice to have that information.
- **Chairman Eclavea** asked the Board if they should take immediate action on this matter or put a timeline on it.

- **Commissioner Orlino** said they should take immediate action.
- **Vice Chairman Laguana** said they should do an investigation on this matter.
- **Chairman Eclavea** asked GEDA for their input.
- **Mr. Cruz** said some research first is probably warranted before action is taken.
- **Commissioner Orlino** said she agrees with the Vice Chair.
- **AO Cathi Blas** said Mr. Pearson was given a notice of arrears on Feb. 27, 2020, which he acknowledged the same day. She added that Trans Steel's last payment was in July of 2019 and that they are not being charged interest.
- **Director Burch** said that the Board last took up this issue on March 11, 2020. He said Trans Steel was not present, and no action was taken. Then the government had the shutdown and the Commission came back in November of 2020.
- **Chairman Eclavea** asked GEDA how much time they needed to do the research on Trans Steel.
- **Mr. Cruz** said by the next meeting.

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

GEDA has finished drafting RFP and is ready to issue.

GEDA was instructed by Chairman Eclavea to hold off on issuing RFP at the Feb. 24, 2021 Board meeting.

- **AT&T – Tanguisson Cable Landing Station, Dededo (Lot 10192) – \$22,939.42/Month**

Tenant is current with its lease rents.

- **N5D Mangilao (Route 15) –**

No changes from last report.

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

GEDA was instructed by Chairman Eclavea to hold off on issuing RFP at the Feb. 24, 2021 board meeting.

- **Tiyan Properties**

1. **Guam Environmental Protection Agency (GEPA)- \$8,000.00/Month**

GEPA Roof Repair:

GEDA has finished drafting IFB and is ready to issue

GEDA is requesting Commission's confirmation to move forward with issuing the IFB

- **Mr. Cruz** said the Board confirmed that GEDA was to move forward with issuing the IFB.

GEPA submitted two (2) purchase orders for monthly rental payments for Feb. 2021 to Sept. 2021. Total of eight (8) months. Awaiting transmittal of funds from DOA.

2. DPHSS (WIC)

On February 24, 2021, GEDA sent a letter informing them that GEDA will resume property management, as directed by the Commission, and that payments for rent be made to GEDA.

On Mar 5 DPHSS indicated that they would need an amendment to their GALC-DPHSS WIC MOU in order to remit lease payments to GEDA as opposed to remitting directly to GALC.

GEDA will draft Amendment for GALC approval

3. 3 House Lots (Across DHL)

No changes from last report.

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.

- Chairman Eclavea asked GEDA to clarify the difference between RFIs and RFPs. He asked if an RFP means there is a commitment to award it.
- Mr. Cruz said there is an expectation of an award with an RFP, but that you still have the option to cancel the RFP at any time.

**VI. NEW BUSINESS**

1. **Operations Budget**

- Director Burch said this was covered in the Director's Report.

2. **Trans Steel**

- Chairman Eclavea said this was already covered.

3. **Farmer's Market**

- Chairman Eclavea asked if there were any questions on this matter.
- Vice Chairman Laguana asked for clarification on the law with regards to the partnership between the Dededo Mayor's Office and the Farmers' Cooperative Association.
- Mr. Cruz answered that the law does not require an MOU between the Dededo Mayor's Office and the Cooperative. He added that any payments that the Mayor receives from the vendors would not be part of the farmers' gross revenue.
- Vice Chairman Laguana said we should add a participation rent.
- Chairman Eclavea added the rent starts at 2% of gross revenues with a 1% increase every 5 years up to a max of 5% and that the Public Auditor's annual report would be available to them.

**VII. PUBLIC COMMENTS**

- None

## VIII. ANNOUNCEMENTS

- Next GALC Board Meeting is scheduled for Wednesday, March 24, 2021 at 2:00pm via ZOOM.
  - Commissioner Wessling commented that it would be prudent and important for the Board to schedule a working meeting. She added that she would really like to see the next meeting be a working meeting versus a board meeting.
  - Chairman Eclavea said he understands the Board needs working sessions.
  - Vice Chairman Laguana agreed but pointed out that they get paid for Board meetings. He asked Attorney Toft if the Board could use one meeting to work on issues and then vote at the next meeting.
  - Attorney Toft said it could be done either way.
  - Chairman Eclavea said they needed to get the Commission settled and ready. He added there was no harm in working cautiously.
  - Commissioner Orlino asked Attorney Toft if the Board was not allowed to make decisions during working sessions.
  - Attorney Toft answered that they could make recommendations during a working session, but they couldn't do anything that was considered a vote or decision making.
  - Commissioner Camacho commented that she would like to see the Board move to having working sessions. She added that they should consider monthly meetings instead of bi-monthly ones.
  - Commissioner Wessling said she feels that they are at a fork in the road and that working sessions would be more conducive to do what they need to do.
  - Chairman Eclavea expressed concern about the amount of time working sessions would take.
  - Vice Chairman Laguana agreed.
  - Chairman Eclavea asked if there were any questions.

## IX. ADJOURNMENT

- Chairman Eclavea thanked everyone for joining the meeting and adjourned the meeting at 4:18 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.

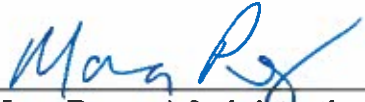
**APPROVED BY:**

**DATE APPROVED:**

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

  
\_\_\_\_\_  
03/24/2021

**TRANSCRIBED BY:**



---

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

**REVIEWED AND APPROVED BY:**



---

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