

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

March 24, 2021 • 2:10 p.m. to 3:28 p.m.

**Notices were published in the Guam Post on Wednesday, March 17, 2021 and
Monday, March 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 2:10 p.m. In Compliance with Public Law 24-109, Guam Ancestral Lands Commission announced the virtual meeting on Wednesday, March 17, 2021 and Monday, March 22, 2021 in the Guam Daily Post.

II. ROLL CALL

Commission Members Present: Chairman Ronald F. Eclavea, Vice Chairman Ronald T. Laguana, Secretary/Treasurer Maria G. Cruz, Commissioner Angela M. Camacho, Commissioner Anita F. Orlino. **Excused Absences:** Commissioner Jeffrey B. Rios, Commissioner Louisa F. Wessling. **Staff Members Present:** Executive Director John T. Burch, Administrative Officer Cathi Blas, Assistant AG Nicolas Toft, Land Agent II Joey Leon Guerrero, DOL Land Agent I Trainee Antolin Mendiola, DOL Administrative Aide Trainee Mara Perez.

III. APPROVAL OF MINUTES

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

- **Chairman Eclavea** asked if anyone had any questions about the minutes.
- **Commissioner Cruz** expressed concern about item 3 on page 4 regarding GEDA's letter to Matson spelling out GALC's counter offer. She said the amendment to the lease agreement needs to be clear that GALC will be selecting the appraiser.
- **Assistant AG Toft** said it's clear that GALC chooses the appraiser, but added that if need be GALC could ask GEDA to write to Matson again clarifying this issue.
- **Vice Chairman Laguana** made the motion to approve the minutes.
- **Commissioner Camacho** seconded the motion.
- **Chairman Eclavea** said the motion passed with all "ayes".

IV. EXECUTIVE DIRECTOR'S REPORT

The following are updates for the Guam Ancestral Lands Commission:

Office Space:

We are still waiting for O-Tech to install the needed drop lines for our computers. Until then we are unable to complete the move into our new office.

- **Commissioner Cruz** asked if O-Tech had given a timeframe to do the work.
- **Director Burch** replied no.
- **AO Blas** added that GALC pays rent for the offices on both floors.

Coast 360 Resolution:

Resolution 2021-001 was prepared to add GALC Chairman Ronald Eclavea as an authorized signatory for the Commission's bank accounts at Coast 360. Action is needed on this issue.

Land Bank Trust Inventory:

As requested, provided in your meeting packets is the Land Bank Trust Inventory prepared by GALC Land Agent II, Joey Leon Guerrero. Also included is a list of parcels to be included into the Land Bank.

- **Director Burch** recommended they have a special meeting on the Land Bank Trust Inventory.
- **Chairman Eclavea, Vice Chairman Laguana, Commissioners Camacho and Cruz** agreed.

Annual Audit:

The annual audit of the Commission's financial statements and other reporting for FY2020 is still in progress. We anticipate having a meeting with the Office of Public Accountability and Deloitte & Touche LLP soon to discuss the audit findings and the OPA's position on the Commission's decision to deposit of the AT&T lease proceeds into the SIDF.

- **Executive Director** advised the Commissioners to turn to Page 27 of the draft audit report prepared by Deloitte and Touche. That Audit Finding No. 2020-01 is the only audit finding and it is critical to us. Basically, the audit finding says that the AT&T settlement proceeds should not have gone into the SIDF since the Tanguisson property does not represent land associated with the Polaris Point parcels. In short, they want our corrective action response and the response they want is to get authorization from the Commission to take the money from the Survey, Infrastructure and Development Fund Account (102) and put it in the Land Bank Account (100). I've been told that the consequence of failure to take action on this could result in the Commission losing custody of its bank accounts. This is something the Commission can contest or comply with. To comply will be easier. To contest means we will have to go down a legal route
- **Chairman Eclavea** I would like to hear from our legal counsel.
- **Assistant AG Toft** recommended they fight audit Finding No. 2020-001. Explained that if they fail to fight it then the Commission is in the same boat as if they didn't. He said he would write the Auditee Response and submit it to the Board for approval.
- **Chairman Eclavea** asked how this would affect their ability to develop GALC properties.
- **Assistant AG Toft** answered if they comply with the OPA's corrective action plan there would be zero funds to do any development. He added that, as Director Burch made clear, removing the Tanguisson funds would put the commission in the negative, and that it would only be a matter of time before they had to eliminate employees.
- **Chairman Eclavea** asked if a resolution would be quicker than a lawsuit.
- **Assistant AG Toft** said that he would talk to Deputy AG Espaldon about this issue. A one-line legislation would fix this problem, but barring that the commission needs to start making some noise.
- **Director Burch** continued that \$43,824 was incorrectly deposited into the Survey, Infrastructure and Development Fund Account (102) instead of the Land Bank Account (100).
- **Commissioner Camacho** made the motion to transfer \$43,824 from the SIDF account to the Land Bank account.
- **Vice Chairman Laguana** seconded the motion.
- **Chairman Eclavea** said the motion passed with no "nays".

Exploring Investment Opportunities:

In view of the Commission placing a stay on all RFPs and the encouragement to look at development opportunities, we have identified the following opportunities for the Commission's consideration:

GALC owns Crown lands near the proposed construction site of the new hospital in Radio Barrigada. This presents a possible development opportunity.

The Hagåtña Restoration & Redevelopment Authority has developed plans that are a part of the Hagåtña Master Plan to construct a Government of Guam Land Resources Building. The project lacks funds to continue. This presents a possible investment opportunity.

At the request of the Chairman, we had a Zoom meeting with Infinity Fund LLC located in Wyoming USA. The company is a small hedge fund primarily doing business in the public market sector. Mr. Anthony Saviano is the CEO of Infinity Fund, LLC, a privately funded investment and debt solutions group founded in 2015. They offer investment platforms, along with their relative risks and probable earnings outcomes. This presents a possible investment opportunity.

- **Chairman Eclavea** said this should be looked at further in a special meeting.

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

V. OLD BUSINESS

A. GEDA: Progress Report – Presented by Tony Arriola also present is Mike Cruz, Diego Mendiola, Mary Camacho, and Jo Ann 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.
- No changes from last report.
 - **Mr. Arriola** said that GEDA received an email from Matson that morning. The email stated they want to order the appraisal now.
 - **Commissioner Camacho** wanted clarification that Matson has declined GALC's counter offer.
 - **Mr. Arriola** said yes.
 - **Commissioner Camacho** said that GALC will be ordering the appraisal per the lease agreement.
 - **Mr. Mendiola** added that Matson's email stated that they want to order the appraisal using Chief Appraisals.
 - **Commissioner Cruz** said GALC is supposed to order the appraisal.
 - **Chairman Eclavea** said GALC will be choosing the appraiser.

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

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

- Research conducted to verify if tenant had received any type of business grant relief assistance through GEDA. No relief assistance was granted to tenant through any grant relief program administered by GEDA.
- GEDA conducted site inspection on leased premises and discovered items such as several metal shipping containers secured, construction scaffolding, heavy equip. box truck, and various construction metal materials (pictures attached). Site inspection was conducted on Mar. 19, 2021.
 - **Vice Chairman Laguana** asked if Mr. Pearson had contacted GEDA.
 - **Mr. Arriola** said no. GEDA made several attempts to reach him by phone with no luck.
 - **Commissioner Camacho** asked if GEDA had emailed Mr. Pearson.
 - **Mr. Arriola** said GEDA doesn't have his email address.
 - **Vice Chairman Laguana** said a certified letter should be sent to Mr. Pearson.
 - **Commissioner Orfino** asked if his whereabouts was known.
 - **Mr. Arriola** said no.

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

- Tenant is current with its lease rents.

TIYAN PROPERTIES

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

GEPA Roof Repair:

- IFB for GEPA Roof Repair will be issued and advertised this month.

DPHSS (WIC) - \$8,400/Month

- No changes on 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.

VI. NEW BUSINESS

A. Coast 360 Resolution

- **Vice Chairman Laguana** moved to add Chairman Eclavea as a signatory for the Coast 360 account.
- **Commissioner Camacho** seconded the motion.
- **Chairman Eclavea** said the motion passed.

VII. PUBLIC COMMENTS

- None

VIII. ANNOUNCEMENTS

- Next GALC Board Meeting is scheduled for **Wednesday, April 14, 2020 at 2:00pm via ZOOM**. This will be a special meeting about the land inventory.

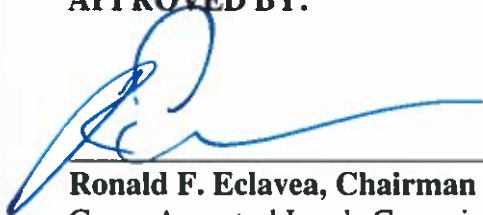
IX. ADJOURNMENT

- **Chairman Eclavea** thanked everyone for joining the meeting and adjourned the meeting at 3:28 p.m.

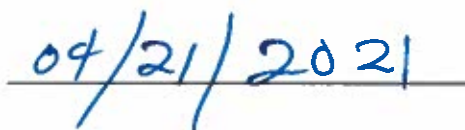
Additional Remarks: The summarization of the GALC Board Meeting Minutes has been approved by the board due to the shortage of GALC Staff. Please refer to the Office of Public Accountability (OPA) Website for the GALC Board Meeting Minutes Audio Recording for detailed information.

APPROVED BY:

DATE APPROVED:



Ronald F. Eclavea, Chairman
Guam Ancestral Lands Commission



04/21/2021

TRANSCRIBED BY:



Mara Perez, Administrative Aide
Guam Ancestral Lands Commission

REVIEWED AND APPROVED BY:



John T. Burch, Executive Director
Guam Ancestral Lands Commission