

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

January 26, 2022 • 2:04 p.m. to 3:21 p.m.

**Notices were published in the *Guam Daily Post* on Wednesday, January 19, 2022 and
Monday, January 24, 2022**

I. CALL TO ORDER

Chairman Eclavea called the virtual, regular meeting of the Guam Ancestral Lands Commission to order at 2:04 p.m. In compliance with Public Law 24-109, the Guam Ancestral Lands Commission announced the virtual meeting on Wednesday, January 19, 2022 and Monday, January 24, 2022 in the *Guam Daily Post*.

II. ROLL CALL

Commission Members Present

Ronald F. Eclavea, Chairman
Ronald T. Laguana, Vice Chairman
Maria G. Cruz, Secretary/Treasurer
Anita F. Orlino, Commissioner
Jeffrey B. Rios, Commissioner
Louisa F. Wessling, Commissioner

Excused Absence

Angela M. Camacho, Commissioner

Management and Staff Present

John T. Burch, Executive Director
Catherine T. C. Blas, Administrative Officer
Joey Leon Guerrero, Land Agent II
Nicolas E. Toft, Legal Counsel, OAG
Andy Mendiola, DOL Land Agent I Trainee
Mara Perez, DOL Administrative Aide Trainee

Also Present

Mary Camacho, Real Property Supervisor, GEDA
Diego Mendiola, Real Property Manager, GEDA
Tony Arriola, Program Coordinator III, GEDA

III. APPROVAL OF MINUTES

A. January 12, 2022 Regular Meeting – Summarization

Secretary/Treasurer Cruz motioned to approve the minutes. Vice Chairman Laguana seconded. Chairman Eclavea asked for a discussion. There was no discussion. Chairman Eclavea then called for a vote. The motion passed unanimously.

IV. EXECUTIVE DIRECTOR'S REPORT

The following are updates for the Guam Ancestral Lands Commission.

Bill 225-36 (COR):

Senator Joe S. San Agustin held a Public Hearing for Bill No. 225-36 (COR) on Friday, January 14, 2022, at 1:30 p.m. via Zoom. The Bill, drafted by Senator Telo Taitague, was introduced by Senator Taitague, Speaker Terlaje, Senator Brown, Senator Perez, Senator Blas, and Senator San Agustin.

On behalf of the GALC, Vice Chairman Laguana and I testified in support of the Bill which seeks to transfer the balance of \$90,169.40 from the inactive Agana Fractional Lots (General Fund 309) to the Guam Ancestral Lands Commission. This is one of the 30 inactive accounts that the OPA recommended the legislature close in OPA Report No. 19-02.

The funds provided by this Bill are intended to augment the operational budget of the GALC. The funds are to be expended for hiring up to two land agents, and to purchase computers and digitizers with software needed to digitize land documents to help the GALC with its mission of administering the return of excess federal property to original landowners.

At the Public Hearing the Bill received bipartisan support from Speaker Terlaje, Senator San Agustin, Senator Taitague, Senator Ada, and Senator Perez.

Of concern, BBMR reported that no funds are available in the Agana Fractional Lots Fund to support the intent of the Bill. The Agana Fractional Lots Fund is a Special Fund that is restricted for a specific purpose. The Senators in attendance promised to find out who is responsible for restoring the missing funds.

GALC FY 2021 Independent Financial Audit:

GALC's FY2021 Financial Audit is progressing as outlined in GALC's Gantt Chart. We are anticipating GALC's FY2021 Financial Audit will be completed as planned.

We anticipate that there will be some proposed adjustments presented by the auditors. Such as, the reclassifying of transactions for reporting purposes and perhaps the transfer of AT&T revenues that were collected and deposited into the SIDF at the beginning of FY2021. We anticipate that there should be no audit findings and the Commission should receive a Clean Audit Report.

Attachment: **GALC FY 2021 Independent Financial Audit Schedule**

Oversight Hearing November 18, 2021 – Status Report: Identifying Ostensible Owners:

Work is progressing on identifying the Lots and ostensible owners of the properties identified in the latest Navy Net Negative Inventory of “Transfer in Progress” and Potential Transfer” of releasable federal land that was discussed during the November 18, 2021 Legislative Oversight Hearing. The parcels are listed below:

- Parcel C of Marbo Cave
- Tanguisson Beach Park
- Tanguisson Power Plant
- ACEORP Maui Tunnel
- USO Beach Park
- Piti Powerplant & Substation
- Parcel 7 Camp Covington
- Agana Diesel Power Plant
- Lot 603-1 Apra Heights

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

V. GEDA PROGRESS REPORT – PRESENTED BY TONY ARRIOLA

Please see attached for the full report.

Farmer's Cooperative Association of Guam Inc. - Status on upcoming lease payment from FCAG

- Pending submission of FCAG's financial report at the request of GALC'S commission that was discussed on Jan. 12, 2022 GALC Board Meeting.

Vice Chairman Laguana asked if FCAG indicated when they would submit their financial statement.

Mr. Tony Arriola stated he spoke with Ms. Kathrina Reyes, who said she would submit it on Monday.

MOU btw GEDA and GALC - Investment Services

- GEDA board has authorized CEO/Administrator to execute MOU for investment services and is currently being routed for signatures.

Chairman Eclavea thanked Mr. Arriola and asked if there were any further questions. There were no further questions.

VI. OLD BUSINESS

A. GEDA MOU Status Update

Chairman Eclavea stated he signed the MOU yesterday.

B. Farmer's Cooperative Association of Guam Update on Financials

Chairman Eclavea asked GEDA to comment on the 2% that the law set as the payment amount from FCAG to GALC.

Mr. Mike Cruz stated that 2% of gross is not the normal amount that GEDA would ask for rent. He said GEDA would charge fair market rent.

Commissioner Wessling asked if anyone considered that FCAG should submit an audited financial statement.

Chairman Eclavea stated that he has asked if FCAG has ever been audited by OPA or another auditor.

Commissioner Wessling stated they should require FCAG to submit an audited financial statement from a third party.

Chairman Eclavea and Vice Chairman Laguana agreed.

Commissioner Wessling added she didn't see in the law language that said GALC was the owner and landlord of the property. She said the law seemed broad and vague, which could leave much room to interpretation. She mentioned that in the previous meeting one of FCAG's members understood the law to mean they were only responsible to pay 2% from the use of the facilities. She said that seemed wrong. She stated as far as this property is concerned, this law tied GALC's hands in terms of carrying out their mission to the dispossessed land owners.

Vice Chairman Laguana agreed and added GALC didn't anticipate the transfer of the flea market to the co-op. He stated he didn't recall that being part of the plan. He said in January of 2021 GEDA notified FCAG to submit payment to GALC.

Commissioner Rios stated GALC was in a difficult position. He said they had to consider their mission as well as how to support the farming community.

Commissioner Wessling agreed with Commissioner Rios. She said the MOA between FCAG and the Dededo Mayor's Office states that rent shall be based on 50% of the annual rate assessed by the Government of Guam or the Legislature. She asked if anyone knew what that rate would be based on.

Mr. Mike Cruz said there was a difference between an assessment and an appraisal. He said GEDA believed the word "assessment" to be a tax term. He said GEDA tried, but could not locate an assessment for the lot. He stated as far as GEDA could tell the value of the lot has not been established by the Legislature or by GovGuam.

Commissioner Wessling stated that in order to have an assessed value there has to be a fair market appraisal. She added the assessment needs to be done in the near future. She stated again that FCAG believes the 2% they owe GALC will be based on the use of the facilities only.

Chairman Eclavea stated that it was made clear that the property was considered part of the facilities.

Attorney Toft said GALC should be getting 2% of whatever FCAG is getting from the Dededo Mayor and from the farmers. He stated ultimately GALC has to do what's best for the beneficiaries.

Executive Director Burch stated unless there is an exclusion for FCAG, they are required by law to file and publish their financial statements within 45 days of the close of their fiscal year.

Attorney Toft stated they have a right to request the financials on the facility from the last few years.

C. Petty Cash Resolution

Vice Chairman Laguana motioned to approve the Petty Cash Resolution. Commissioner Wessling seconded. Chairman Eclavea called for a vote. The motion passed unanimously.

VII. NEW BUSINESS

VIII. PUBLIC COMMENTS

IX. ANNOUNCEMENTS

- A. The Commission scheduled their next meeting for February 9, 2022.**

X. ADJOURNMENT

- A. Chairman Eclavea thanked everyone and adjourned the meeting at 3:21 p.m.**

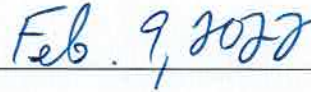
Additional Remarks: The summarization of the GALC Board Meeting Minutes has been approved by the board due to the shortage of GALC staff. Please refer to the Office of Public Accountability's (OPA) website for the GALC Board Meeting Minutes Audio Recording for detailed information.

APPROVED BY:

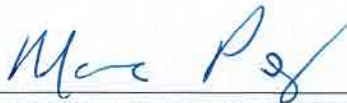


Ronald F. Eclavea, Chairman
Guam Ancestral Lands Commission

DATE APPROVED:

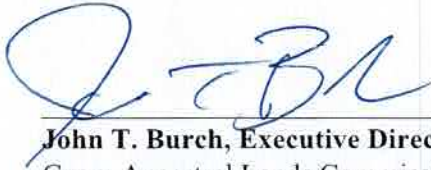


TRANSCRIBED BY:



Mara Perez, Administrative Aide
Guam Ancestral Lands Commission

REVIEWED AND APPROVED BY:



John T. Burch, Executive Director
Guam Ancestral Lands Commission

LOURDES A. LEON GUERRERO

Governor of Guam
I Maga'Haga Guahan

JOSHUA F. TENORIO

Lt. Governor of Guam
I Segundo Na Maga'Lahen Guahan



MELANIE MENDIOLA

Chief Executive Officer/Administrator
Atkádi Eksekutibu Ofisial/Atmenestradora

JOANN C. CAMACHO

Deputy Administrator
Sigundon Atmenestradora

MEMORANDUM

Date: January 26, 2022
To: Executive Director, Guam Ancestral Lands Commission
From: CEO / Administrator
Subject: GEDA Monthly Progress Report

Hafa Adai!

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)** - \$27,854.51/Month
 - As per the required condition on NM'S Extension on Rent Deferment letter dated Nov. 29, 2021., GEDA sent an email reminder notice to NM for submission of quarterly report on updated development plans that is due on Feb. 2022.
- **Apra Harbor Parcel No. 1 (Commissary Junction)** – \$3,949.63/Month
 - KwikSpace – Tenant is current with its lease rents.
- **Apra Harbor Reservation F-12 (Matson)** – \$27,733.00/Month
 - Matson Navigation Company- Tenant is current with its lease rents.
- **Lot Apra Harbor Reservation F-12-R2 (Trans Steel)** - \$500/Month
 - No changes from last report.
- **AT&T – Tanguisson Cable Landing Station, Dededo (Lot 10192)** – \$22,939.42/Month
 - Tenant is current with its lease rents.

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- **Guam Environmental Protection Agency (GEPA)** \$8,000.00/Month
 - No changes from last report.
- **DPHSS (WIC)**- \$8,400/Month
 - No changes from last report.



Other Items

- **RFP 21-011 – For Lease and Development of Land Bank Trust Property : Lot Apra Harbor Reservations, F-12-1, portion of F-12-2, and F-12-3, Polaris Point, Piti**
 - GEDA sent a letter to vendor clarifying certain questions stated in their proposal. Letter was sent on Jan. 04, 2022. GEDA is still pending questions to be answered from vendor as of this time and a follow up status was made on Jan. 24, 2022. After vendor's clarification of response, GEDA will schedule lease negotiations at the earliest time possible.

- **Farmer's Cooperative Association of Guam Inc. – Status on upcoming lease payment from FCAG**
 - Pending submission of FCAG's financial report at the request of GALC's commission that was discussed on Jan. 12, 2022 GALC Board Meeting.

- **MOU btw GEDA and GALC – Investment Services**
 - GEDA board has authorized CEO/Administrator to execute MOU for investment services and is currently being routed for signatures.

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

Sensesramente,


MELANIE MENDIOLA
CEO/ Administrator

