

**GUAM ANCESTRAL LANDS COMMISSION REGULAR MEETING MINUTES
VIA ZOOM WITH LIVE STREAMING ON YOUTUBE**

March 9, 2022 • 2:05 p.m. to 3:18 p.m.

**Notices were published in the *Pacific Daily News* on Tuesday, March 1, 2022 and
Friday, March 4, 2022**

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, the Guam Ancestral Lands Commission announced the virtual meeting on Tuesday, March 1, 2022 and Friday, March 4, 2022 in the *Pacific Daily News*.

II. ROLL CALL

Executive Director Burch took roll call and stated they had a quorum of 4 members.

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 (logged on at approximately 2:16 p.m.)

Louisa F. Wessling, Commissioner (logged on at approximately 2:13 p.m.)

Absent

Angela M. Camacho, Commissioner (excused)

Management and Staff Present

John T. Burch, Executive Director

Nicolas E. Toft, Legal Counsel, OAG

Catherine T. C. Blas, Administrative Officer

Joey Leon Guerrero, Land Agent II

Andy Mendiola, DOL Land Agent I Trainee

Mara Perez, DOL Administrative Aide Trainee

Also Present

Mike Cruz, Project Manager, GEDA

Tony Arriola, Program Coordinator III, GEDA

III. APPROVAL OF MINUTES

A. February 23, 2022 – Summarization

Commissioner Wessling logged on and was recognized.

Motion to approve the minutes subject to corrections per audio recording made by Secretary/Treasurer Cruz, seconded by Commissioner Orlino. Chairman Eclavea called for a vote. Motion carried 5-0.

IV. EXECUTIVE DIRECTOR'S REPORT

The following are updates for the Guam Ancestral Lands Commission.

GALC FY 2021 Independent Financial Audit:

We received the GALC FY 2021 Draft Financial Statements on February 24, 2022. We are reviewing the documents and are preparing our response. We anticipate our response will be ready by Friday, March 11, 2022 for submission to Deloitte & Touche LLP.

2022 Public Official Financial Disclosure Statement:

Reminder, your 2022 Financial Disclosure Statement report for Calendar Year 2021 is due to the Guam Election Commission no later than the end of business day, **Friday, April 22, 2022.**

GEDA/GALC Investment Services MOU:

The last update we had on the Investment Services MOU it was at the Office of the Attorney General pending signature.

RFP 21-011- Polaris Point:

Negotiations with the vendor for the Polaris Point thirteen acres are ongoing.

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

Commissioner Rios logged on and was recognized.

Vice Chairman Laguana asked for clarification about the Financial Disclosure Statement requirement.

Executive Director Burch stated the detailed form needed to be filled out if one felt they had a conflict of interest, otherwise only the one-page form was required.

V. GEDA Progress Report – Presented by Tony Arriola

Please see attached for the report.

VI. OLD BUSINESS

A. Farmer's Market-Financial & Audit Update

Executive Director Burch stated this was covered in today's Progress Report from GEDA.

B. GEDA MOU-Investment Services Update

Attorney Toft stated Deputy Attorney General Espaldon had just returned on-island. He said he wasn't sure if the Deputy AG had had time to review it, yet.

VII. NEW BUSINESS

A. Smithbridge License Request

Executive Director Burch stated Smithbridge was requesting an immediate 3-month license to rent 2 acres at Polaris Point to stack approximately 25 empty containers. He said he believed it would not interfere with the current RFP at that location. He said Smithbridge was offering to pay \$1,200 per acre per month for 3 months up front, which they felt would take care of the security deposit. He stated Smithbridge would carry the conventional lease-imposed insurance limits required by GALC. He recommended the commission take action on this. He stated that GEDA had prepared a draft license agreement, which was counter proposed by Smithbridge. He asked if Mr. Mike Cruz wanted to comment on that.

Mr. Cruz stated he believed the license agreement was necessary. He added the amount that Smithbridge was proposing was more than the appraised value of the property. He said he believed the details of the license agreement was similar to the one GALC had with Trans Steel. He agreed that it wouldn't conflict with the RFP.

Executive Director Burch agreed it wouldn't interfere with the current negotiations with the 13 acres at Polaris Point.

Commissioner Wessling stated she always cautions against waiving security deposits when it came to leases, even short-term leases. She stated security deposits were for insurance of damage of property, as well as for insurance of payment of rent. She asked for the appraisal of the property and whether \$1,200 per acre for 3 months was fair market rent. She said a commercial lot of 920 square meters on Route 16 in Mangilao was leased this January for \$750 per month or 82 cents a square meter. She asked how much Matson and Trans Steel were paying per square meter.

Mr. Arriola said Matson was paying 23 cents per square meter for 30 acres.

Mr. Cruz said Matson's rent was based on Cornerstone's appraisal of the property from May or June of last year.

Commissioner Wessling stated what Smithbridge was offering, which was about 29 cents a square meter, might be a little low. She said they may want to consider a counter offer, or whether it was worth it to consider since it was for such a short term.

Chairman Eclavea asked if it would be a significant jump in price per square meter for a smaller lot.

Commissioner Wessling replied, yes.

Mr. Cruz stated the property in question had been sitting for a long time. He said when GEDA heard about the license, they thought it would be a good infusion of capital for GALC's operational expenses. He stated it was higher than the market rate from the RFP.

Commissioner Wessling stated the RFP was for a much larger piece of property, so 29 cents a square meter was probably not fair market value. She asked Executive Director Burch if Smithbridge had expressed a willingness to talk about it.

Executive Director Burch said, no, they didn't.

Commissioner Rios asked if the property in question was also under the RFP.

Executive Director Burch said, yes.

Commissioner Rios asked if the property was ready to be used.

Chairman Eclavea stated approximately 4 acres were ready to be used.

Commissioner Rios asked if GALC would identify the 2 acres that Smithbridge needed.

Executive Director Burch said, yes.

Commissioner Rios said it would be unlike Smithbridge to leave a mess behind. He suggested they ask for, and then hold on to, a security deposit check instead of depositing it.

Chairman Eclavea stated he had some concerns and would like a little time to look over the proposal. He said he would like to wait until the next meeting to address the matter.

Executive Director Burch stated Smithbridge may go somewhere else, because of the urgency of their need. He said the Board may want to decide on this today whether or not to go forward. He stated they could make sure all the concerns of the commissioners were noted.

Chairman Eclavea stated he wasn't comfortable taking action now. He asked for more input from the Board.

Vice Chairman Laguana asked what amount Smithbridge proposed they would be paying up front for the 3 months.

Executive Director Burch said \$7,200. He said they could inform Smithbridge that they want a security deposit, which they would hold and give back if the property was in the same or better condition.

Chairman Eclavea stated he wasn't ready to vote on it today.

Commissioner Rios said if all concerns were addressed today, then he would be okay with it.

Executive Director Burch asked if the chairman wanted to put this on the next meeting's agenda.

Chairman Eclavea said, yes.

Executive Director Burch stated he would bring their concerns about a security deposit and possibly more rent per acre to Smithbridge.

Chairman Eclavea suggested they spend the next day or two fine tuning their concerns.

Commissioner Wessling stated she agreed with the Chairman and Commissioner Rios.

Chairman Eclavea asked if there were any questions. There were no questions.

B. Executive Director's Annual Evaluation

Executive Director Burch stated the annual evaluation for all heads of government agencies was due. He said his previous evaluation was a 6-month intermediate one. He stated he could do a write up of his accomplishments these past 12 months.

Chairman Eclavea said they should complete the evaluation at the next board meeting.

VIII. PUBLIC COMMENTS

IX. ANNOUNCEMENTS

A. The Commission scheduled the next meeting for March 23, 2022.

Time was provided for members to discuss an item not on the agenda.

X. ADJOURNMENT

A. Chairman Eclavea thanked everyone and adjourned the meeting at 3:18 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's (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

March 23, 2022

TRANSCRIBED BY:



Mara Perez, Administrative Aide
Guam Ancestral Lands Commission

REVIEWED AND APPROVED BY:



John T. Burch, Executive Director
Guam Ancestral Lands Commission