

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

February 9, 2022 • 2:04 p.m. to 3:00 p.m.

**Notices were published in the *Pacific Daily News* on Wednesday, February 2, 2022 and
Monday, February 7, 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, February 2, 2022 and Monday, February 7, 2022 in the *Pacific Daily News*.

II. ROLL CALL

Executive Director Burch took roll call and stated 6 members were present, representing a quorum.

Commission Members Present

Ronald F. Eclavea, Chairman

Ronald T. Laguana, Vice Chairman

Maria G. Cruz, Secretary/Treasurer

Angela M. Camacho, Commissioner

Anita F. Orlino, Commissioner

Jeffrey B. Rios, Commissioner (logged on at approximately 2:30p.m.)

Louisa F. Wessling, 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

Andrea Pellacani, Communications Director/Policy Analyst, Office of Speaker

Therese Terlaje

III. APPROVAL OF MINUTES

A. January 26, 2022 – Summarization

Motion to approve the minutes, subject to corrections per audio recording, made by Secretary/Treasurer Cruz, seconded by Commissioner Wessling. Chairman Eclavea called for a vote. The motion passed unanimously.

IV. EXECUTIVE DIRECTOR'S REPORT

The following are updates for the Guam Ancestral Lands Commission.

GALC FY 2021 Independent Financial Audit:

The annual audit of the Commission's financial statements and other reporting for FY 2021 is ongoing. We met with the Guam Office of Public Accountability and Deloitte & Touche LLP on Thursday, February 3, 2022.

The GALC's FY 2021 Independent Financial Audit is progressing as outlined in GALC's Gantt Chart and is anticipated to be completed as planned by Monday, February 28, 2022. A concern was raised regarding the status of the Northern Market Lease and the Commission's approval of Carlos Camacho's request for full rent deferral for one more year.

As requested by the auditors, we forwarded to them a copy of the November 17, 2021 GALC Meeting Minutes where the decision to extend the full rent deferral was discussed. Other than this issue, all financial statements and trial balances that were prepared and provided to Deloitte & Touche were accepted as is.

We anticipate that the Commission will receive an Unqualified (Clean) Audit Report. However, we also anticipate that the AT&T funds that were collected and deposited into the SID Fund at the beginning of FY 2021 will be an audit finding.

Commissioner Wessling asked what concern was raised by the OPA and Deloitte & Touche regarding the Northern Market lease.

Executive Director Burch replied their concern was similar to the one they had last year. He said they wanted to know why Northern Market's rent deferment was extended. He told them it was given in the minutes, which were provided to them. He said that he expects the auditors will write up a concern, not a finding, in GALC's audit report. He added that was what they did last year. He stated he would call the commissioners to have a meeting on it, if necessary, once he receives the draft audit. He said this would be the same procedure they used last year.

Renewal of Zoom Account:

A year ago, the Commission established its own Zoom Account due to the COVID-19 public health emergency that forced the Commission to hold its meetings via teleconference. We would like to continue the Commission's Zoom subscription which will expire at the end of the day on Wednesday, February 9, 2022.

The annual cost of Zoom Meetings Pro License is \$149.90. Zoom does not accept Government of Guam Purchase Orders. It accepts credit card and PayPal payments online. As we did last year, we are requesting for a designated GALC staff be approved to purchase the Zoom License with their personal credit card which is to be reimbursed by the Commission. The source for the reimbursement to be GALC's Business Value Checking Account 0200.

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QTY	SUBSCRIPTION PERIOD	SERVICE EFFECTIVE DATE	STATUS	NEXT INVOICE DATE	NEXT INVOICE AMOUNT
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Zoom Meetings Pro Upgrade Account

QTY	SUBSCRIPTION PERIOD	SERVICE EFFECTIVE DATE	STATUS
1	Annual	Feb 10, 2021	Active

ZOOM MEETINGS [Edit Current Plan](#) [Cancel Plan](#)

NEXT INVOICE DATE: Feb 10, 2022
NEXT INVOICE AMOUNT: \$149.90

[Update Credit Card](#) [Pay Bill/View Invoice](#)

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

Motion made by Vice Chairman Laguana to approve the renewal of the Zoom Meetings Pro License in the amount of \$149.90 to be paid for by Executive Director Burch, who will then be reimbursed by the Commission. Motion seconded by Commissioner Orfino. Chairman Eclavea called for a vote. The motion passed unanimously.

V. GEDA Progress Report – Presented by Tony Arriola

Below are excerpts from GEDA’s report addressed during the meeting. Please see attached for the full report.

- Wettengel Junction - Northern Market, LLC (NM) - \$27,854.51/Month
 - No changes from last report.

- Tiyan Properties
 - Guam Environmental Protection Agency (GEPA) - \$8,000.00/Month
 - No changes from last report.

 - DPHSS (WIC) - \$8,400/Month
 - No changes from last report.

Commissioner Wessling asked GEDA to provide more information rather than to state, “No changes from last report.” She said sometimes she has to refer back to several reports to find the information needed. As an example, she stated if a tenant is delinquent, then the outstanding balance would change with each passing month.

Mr. Arriola said he understood, and GEDA’s Report will have more detailed information moving forward.

Commissioner Camacho asked if GEDA gives tenants monthly notices on rent due or past due. She asked if any effort is made to get tenants current with their rent.

Mr. Arriola stated they send tenants monthly invoices and statements at the end of the month.

Commissioner Camacho stated they need current details on outstanding balances. She said they probably need to take a closer look at this issue.

At this point Commissioner Rios logged on and was recognized. It was approximately 2:30p.m.

- MOU btw GEDA and GALC – Investment Services
 - MOU is currently under review for approval and signature with the AG.

Attorney Toft stated it just got to him. He said they had to do it through the proper channel in order to get it cataloged correctly at the OAG.

VI. OLD BUSINESS

A. Farmer's Cooperative Association of Guam Update on Financials & Audit

Executive Director Burch stated FCAG sent a letter requesting a 90-day extension to submit their FY2020 financial report. He said from his experience running a non-profit organization, the Guam Federation of Teachers, he knows FCAG is required to file a Form 990 at the close of their fiscal year. This information, he said, should be made readily available for anyone to read. He said he suspects FCAG is a bit behind on it. He stated he invited Mr. Michael Aguon, FCAG's President, to be present at this meeting. He said Mr. Aguon replied that he and FCAG's Treasurer, Kathrina Reyes, were due to fly off-island today. He stated he suggested Mr. Aguon send a representative, who could speak on his behalf, but no one from FCAG was present. He said they might not be as well organized as they would like. He added they researched the law regarding audits, and Title 21 Section 681101H states specifically that FCAG shall be audited by the OPA. He said he advised GEDA to notify FCAG about this. He said he believes GEDA has notified them.

Secretary/Treasurer Cruz stated there are now 3 rent deferrals. She said they should consider establishing a policy on approving rent deferrals. She suggested: 1. The basis for their request. 2. Financial statements. 3. Other considerations such as a payment plan. She concluded the commissioners should start thinking about developing a policy on this issue.

Vice Chairman Laguana stated they sent a letter to FCAG in February and May of 2021 and an ultimatum in October of 2021.

Commissioner Wessling thanked Vice Chairman Laguana and suggested giving FCAG another 30 days, instead of 90 days.

Motion to give FCAG until March 10, 2022 to submit their financial reports made by Vice Chairman Laguana, seconded by Commissioner Wessling. Chairman Eclavea called for a vote. The motion passed unanimously.

VII. NEW BUSINESS

A. Business Checking Account Replenishment Resolution

Executive Director Burch stated the Board unanimously approved the motion to replenish the Business Checking Account at the January 12, 2022 meeting. He said action was now needed on the Resolution. He added the checking

account has never been replenished since he became Executive Director. He said the balance then was \$1,500, so they've been extremely frugal. He asked the Chairman if he would like him to read the Resolution.

Chairman Eclavea asked if he could read it from the 5th paragraph on, which Executive Director Burch did. The Chairman then asked for a motion.

Motion to approve GALC Resolution No. 2022-002 Business Value Checking Account 0200 Replenishment as submitted today made by Commissioner Wessling, seconded by Secretary/Treasurer Cruz. Chairman Eclavea called for a vote. The motion passed unanimously.

VIII. PUBLIC COMMENTS

IX. ANNOUNCEMENTS

A. The next GALC Board Meeting is scheduled for February 23, 2022.

X. ADJOURNMENT

A. Chairman Eclavea thanked everyone and adjourned the meeting at 3:00 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




Feb. 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

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
Atkâdi Eksehitibu Ofisial/Atmenestradora

JOANN G. CAMACHO
Deputy Administrator
Sigundon Atmenestradora

MEMORANDUM

Date: February 9, 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
 - No changes from last report.
- **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
 - Tenant remitted payment for the amount of \$600.00 on Feb.03, 2022.
- **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
 - 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 is still presently pending questions to be answered by vendor regarding their lease proposal. After vendor’s clarification of response, GEDA will schedule lease negotiations at the earliest time.

- **Farmer’s Cooperative Association of Guam Inc. – Status on upcoming lease payment from FCAG**
 - A request of 90 day extension for submission of FCAG’s financial report was made via written letter by Ms. Kathrina Reyes, FCAG Manager on Feb. 04, 2022. Letter was sent via attachment through email and addressed to Mr. Burch, GALC Executive Director. (Letter attached for reference)
 - A response was made by Mr. Burch GALC Exec. Dir. addressing FCAG that their request will be forwarded to the GALC Board Commission for their consideration and also invited them to attend the GALC board virtual meeting to be held on Wednesday, Feb. 09, 2022 @ 2:00PM. Response was made via email on Feb. 07, 2022.

- **MOU btw GEDA and GALC – Investment Services**
 - MOU is currently under review for approval and signature with the AG.

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.

Sensengamente,


MELANIE MENDIOLA
CEO/ Administrator

