

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

February 23, 2022 • 2:08 p.m. to 3:27 p.m.

**Notices were published in the *Pacific Daily News* on Wednesday, February 16, 2022 and
Monday, February 21, 2022**

I. CALL TO ORDER

Chairman Eclavea called the virtual, regular meeting of the Guam Ancestral Lands Commission to order at 2:08 p.m. In compliance with Public Law 24-109, the Guam Ancestral Lands Commission announced the virtual meeting on Wednesday, February 16, 2022 and Monday, February 21, 2022 in the *Pacific Daily News*.

II. ROLL CALL

Executive Director Burch took roll call and stated 5 members were present, representing a quorum.

Commission Members Present

Ronald F. Eclavea, Chairman

Ronald T. Laguana, Vice Chairman (logged on at approximately 2:46p.m.)

Maria G. Cruz, Secretary/Treasurer

Angela M. Camacho, Commissioner

Anita F. Orlino, Commissioner

Jeffrey B. Rios, Commissioner (logged on at approximately 2:46p.m.)

Louisa F. Wessling, Commissioner

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

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

Therese Terlaje

William Bischoff, Attorney

III. APPROVAL OF MINUTES

A. February 9, 2022 – Summarization

Motion to approve the minutes 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.

2022 Public Official Financial Disclosure Statement:

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.**

On February 18, 2022, the Financial Disclosure Statement form on excel format and the Rules & Regulations Handbook were sent to you via email. Also attached was the form for Board and Commission members with no conflict of interest to disclose.

Your original signatures are required on these forms. Digital or electronic signatures are not allowed.

The completed forms are to be submitted to the Guam Election Commission, Suite 202, Oka Building 241 Farenholt Avenue, Tamuning.

If you have any questions, please let me know or you may contact Helen Atalig at the Guam Election Commission at 671-477-9791.

GALC FY 2021 Independent Financial Audit:

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.

GEDA/GALC Investment Services MOU:

Is still out circulating for review and signatures.

RFP 21-011- Polaris Point:

Received response from vendor to questions regarding their lease proposal. We anticipate lease negotiations to begin soon.

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

V. GEDA Progress Report – Presented by Mike Cruz

Please see attached for the full report.

Commissioner Wessling thanked Mr. Cruz and asked if the date of last payment from those with an outstanding balance could be added to the report.

Mr. Cruz answered, yes, GEDA will do that.

Chairman Eclavea asked GEDA for more information on Northern Market's progress report.

Mr. Cruz apologized and said he was unable to do so as he doesn't normally handle GALC's account with GEDA. He said he was filling in for Tony Arriola, who was out sick. He said maybe Mr. Burch could provide the information on Northern Market.

Executive Director Burch said Northern Market submitted a progress report. He said in the report Mr. Carlos Camacho stated that he had several tenants lined up, including a couple of anchor tenants that they're waiting to hear back from. He stated Northern Market was still having difficulties with the H2B foreign construction workers. He added their progress report showed that they are fulfilling what GALC had asked of them.

Chairman Eclavea asked if there were any questions.

Commissioner Wessling stated Northern Market's letter was addressed to GEDA. She said in her opinion it was very vague and very general. She stated it doesn't give them any concrete information on when they can expect payments to resume. She said at the meeting where Northern Market had asked for an extension, we had requested more definitive information from them to substantiate their extension request. She said their progress report was general and did not tell her much at all.

Mr. Cruz said GEDA would communicate this concern to Northern Market. He said GEDA would look at Northern Market's progress report again and give them guidance on how the report should be prepared.

Commissioner Wessling said she would like to see how Northern Market modified their original plans to bring it back more into budget, what numbers they have been crunching, and how realistic it will be for them to get started. She said Northern Market's outstanding balance of over a million dollars gives her a real sinking feeling in her stomach.

Secretary/Treasurer Cruz asked if Northern Market had a comprehensive action plan with realistic data on how they are going to pay their arrears of rent and achieve their goals.

Chairman Eclavea asked if dissatisfaction with Northern Market's quarterly reports would affect the extension of the deferment of rent.

Executive Director Burch said that was a question for Attorney Toft. He stated the majority shareholder of Northern Market is extremely litigious.

Mr. Cruz said he believed Northern Market was working at securing their anchor tenants, which would help them offset their arrears. He said their action plan would be developed after they have secured anchor tenants. He stated in the meantime Northern Market could work on submitting a detailed progress report.

Secretary/Treasurer Cruz said an action plan should include data and backup solutions if plans are not met on time. She stated Northern Market has had years to think about this. She said they should already have a backup plan addressing arrears of rent and how to pay it.

Chairman Eclavea said he believes Carlos Camacho and the Calvo family are working on this.

At this point, Vice Chairman Laguana and Commissioner Rios logged on.

Commissioner Camacho said it wasn't up to Northern Market to decide what to put in their progress reports. She stated GALC should have a say in what Northern Market is reporting, and they should be comfortable with the information in the reports. She stated they needed to establish what kind of information is presented in the report. She added that Executive Director Burch had yielded to Attorney Toft.

Executive Director Burch said he was giving caution about the litigiousness of the majority shareholders of Northern Market. He said they needed to be very careful about shortening the deferment extension.

Attorney Toft said they could be sued regardless of whether they do something right or not. He stated they first needed to look back on the minutes to see exactly what it was that GALC granted to Northern Market as far as the extension and any sort of qualifications for that before they make the next move.

Chairman Eclavea asked Attorney Toft what he thought about asking for a more detailed progress report.

Attorney Toft said it was a good plan. He said his concern would be that commencing litigation would basically be an invitation for Northern Market to file for bankruptcy and disappear on them along with the million plus owed to GALC. He said it's a sunk cost analysis. He said going after them could mean a bankrupt company and potentially a lawsuit, but they would regain the ability to lease out the property again versus trying to work with them where there is actual construction on the property. He said a detailed plan from Northern Market is probably the best way to see where they are at and if they are actually making strides towards putting this together or if it's something the Commission would be better off cutting bait on.

Chairman Eclavea thanked Attorney Toft and instructed Mr. Mike Cruz to proceed with informing Northern Market that a more detailed progress report was needed.

VI. OLD BUSINESS

VII. NEW BUSINESS

A. GEDA MOU-Investment Services Update

Chairman Eclavea asked if the MOU was still with the OAG.

Attorney Toft said he approved the MOU, and forwarded it to the Deputy Attorney General. He said it still needed to be signed by the AG.

B. GALC FY23 Budget

Motion to approve the FY23 Budget and Resolution No. 2022-003 “GALC Budget Proposal Request FY23 Approval and Funding Source” made by Vice Chairman Laguana, seconded by Commissioner Orlino. Chairman Eclavea called for a vote. The motion passed unanimously.

At this point, time was provided for members to discuss an item not on the agenda.

VIII. PUBLIC COMMENTS

Attorney William Bischoff asked for an update on the Jose Martinez Torres case, the \$20 million case.

Secretary/Treasurer Cruz stated public comments needed to pertain to items on the agenda.

Chairman Eclavea asked if they could address Attorney Bischoff’s question.

Executive Director Burch stated it’s off the agenda and that all they know has been reported in the media. He said he would defer to Attorney Toft for his legal advice.

Attorney Toft said it was fine to discuss it under public comments. He said as far as they know the case is still with the Guam Supreme Court. He said they are still waiting for a decision on preliminary matters such as disqualifications and things like that. He stated they would issue an update when they know more.

Attorney Bischoff thanked the Commission.

Chairman Eclavea asked legal counsel to clarify discussing matters off the agenda under public comments.

Attorney Toft said it was really up to the Board. He stated the public could bring up issues, which the Board could entertain or not.

IX. ANNOUNCEMENTS

A. The Commission scheduled the next meeting for March 9, 2022.

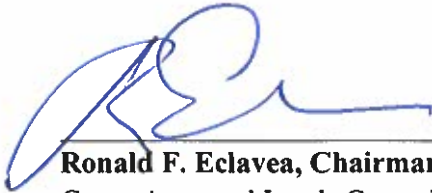
X. ADJOURNMENT

A. Chairman Eclavea thanked everyone and adjourned the meeting at 3:27 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



TRANSCRIBED BY:



Mara Perez, Administrative Aide
Guam Ancestral Lands Commission

REVIEWED AND APPROVED BY:



John T. Burch, Executive Director
Guam Ancestral Lands Commission

MEMORANDUM

Date: February 23, 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)**

Monthly Payment	Outstanding Balance
\$ 27,854.51	\$ 1,144,790.53

- Total of \$1,144,790.53 is the Total Deferred Balance (\$985,810.17) and Interest Due (\$158,980.36) as of February 2022.
- Northern Market submitted updated quarterly development plans to GEDA and GALC on February 10, 2022.

• **Apra Harbor Parcel No. 1 (Commissary Junction): KwikSpace**

Monthly Payment	Outstanding Balance
\$ 3,949.63	\$ 0

• **Apra Harbor Reservation F-12: Matson**

Monthly Payment	Outstanding Balance
\$ 27,733.00	\$ 0

- **Lot Apra Harbor Reservation F-12-R2L: Trans Steel**

Monthly Payment	Outstanding Balance
\$ 500.00	\$9,700.00

- Tenant on a month-to-month tenancy and payment plan from May 2021 to present.
- A payment of \$600 is made monthly to cover current rental and pay down arrears.

- **Tanguisson Cable Landing Station, Dededo (Lot 10192): AT&T**

Monthly Payment	Outstanding Balance
\$ 22,939.42	\$ 0

TIYAN PROPERTIES

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

Monthly Payment	Outstanding Balance
\$ 8,000.00	\$ 248,000.00

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

Monthly Payment	Outstanding Balance
\$ 8,400.00	\$ 54,299.35

- Certification of Funds (COF) in the amount of \$33,600.00 was provided by DPHSS to GEDA and GALC for execution on February 10, 2022. Signed COF was transmitted to DPHSS on February 16, 2022 for final processing.
- Invoices from November 2021 – February 2022 have been revised and resubmitted for processing to DPHSS/WIC on February 16, 2022.

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**

- Timeline of events
 - 01/04/22: Negotiating Team sent questions regarding the proposal.
 - 02/02/22: Offeror responded to questions.
 - 02/18/22: Negotiating Team met to discuss the upcoming negotiations.
 - 02/24/22: Negotiating Team will be meeting with offeror to begin negotiations.

- **Farmer’s Cooperative Association of Guam Inc.**

- The GALC Board Commission has approved an extension to March 10, 2022 to submit certified financial statements.



- **MOU btw GEDA and GALC – Investment Services**

- MOU is currently under review, approval and signature with the AG, following receipt, the MOU will be sent to Adelup for the Governor’s signature.

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.

Senseramente,



MELANIE MENDIOLA
CEO/ Administrator

