IMPORTANT NOTICE!!!

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1. 10:00 A.M. SPECIAL MEETING AGENDA - AMENDED II

   Documents:

   04-13-20 SPECIAL AMENDED II.PDF

2. 10:00 A.M. DOCUMENTATION (1.8MB)

   Documents:

   04-13-20.PDF

3. 10:00 A.M. ACTION TAKEN

Documents:

04-13-20 SPECIAL AMENDED II ACTION.PDF

Board of Supervisors
Santa Cruz County

MANUEL RUIZ
District 1

RUDY MOLERA
District 2

BRUCE BRACKER
District 3

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Dated this 8th day of April, 2020.

Tara R. Hampton, Clerk
Board of Supervisors

Board of Supervisors

Santa Cruz County

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BRUCE BRACKER
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AMENDED II 4/8/2020

A G E N D A

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April 13, 2020 at 10:00 a.m.

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2150 N. Congress Drive, Room 120
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Back to Agenda

OFFICE OF THE SANTA CRUZ COUNTY ASSESSOR

FELIPE A. FUENTES JR.
ASSESSOR

PABLO A. RAMOS
CHIEF DEPUTY

April 1, 2020

Santa Cruz County Board of Supervisors
Jennifer St. John, County Manager
2150 N. Congress Drive
Nogales, AZ 85621

Dear Board and Jennifer,

It has been a pleasure to serve Santa Cruz County for the past 40 years as Assessor, so it is with great gratitude, and a little bit of sorrow, that I tender my resignation effective April 17, 2020. It has been a long and difficult decision, while I understand my term is set to run until December 31, 2020, I believe it is time for me to step down and move on to a new venture in my life.

I am forever grateful to the Santa Cruz County community for the numerous opportunities of professional and personal development provided to me over the years. I have tremendously enjoyed working for Santa Cruz County and appreciate the support of the community overall during my tenure here. While I look forward to enjoying my retirement, I will miss the work and my colleagues greatly.

Working for SCC has definitely been one of the highlights of my life as I have experienced many challenges which resulted in life-changing learning experiences and achievements. I have been fortunate enough to accomplish many career goals. My greatest achievement, however, has been the Assessor's office as a whole, by providing the resources and support needed for consistently excellent performance and service. Additionally, I have had the opportunity to work with an excellent Deputy Assessor, Pablo A. Ramos, whom I wholeheartedly believe should be considered as a possible candidate for appointment until a new elected official takes office.

I know that much is still expected of me and for this reason I would like to meet with you, at your convenience, to discuss the steps to terminate my position in office and organize arrangements to fill the post. Thank you for your understanding, and I look forward to speaking with you on this matter soon.

I wish everyone all the best and the continued success of this amazing organization.

Sincerely,

Felipe A Fuentes Jr.
SCC Assessor

2150 N. CONGRESS DRIVE, SUITE 102 · NOGALES, ARIZONA 85621 · (520) 375-8030 · FAX (520) 375-8045

Back to Agenda

Pablo A. Ramos
970 Calle Dura
Rio Rico, Arizona 85628

April, 9 , 2020

Santa Cruz County Board of Supervisors
Honorable Chairman Of The Board Bruce Bracker
Honorable Supervisor Rudy Molera
Honorable Supervisor Manuel Ruiz

It is with great interest and enthusiasm that I submit my application for the position of Santa Cruz County Assessor.

During my tenure as Chief Deputy Assessor for the past 22 years, as well as with all my experiences within the office of the County Assessor for over 29 years, I have had numerous opportunities to develop the caliber of leadership skills that will contribute strongly to my success in meeting the objectives of this position. With an exemplary track record as a county employee, I can ensure effective administration and an absolute commitment to the continued progress of Santa Cruz County.

A few of my credentials for this position include:

- As a county employee for over 29 years, I have had the opportunity to establish professional relationships throughout all the county departments and outside taxing authorities .
- The 22 years of experience in the position of Chief Deputy Assessor provide me with extensive knowledge of the county and all the communities within it.
- With residence in Santa Cruz County for over 40 years, I am deeply committed to the growth and improvement of our county.
- Extensive training and certifications in policy and best practices.

My service as Santa Cruz County Assessor would ensure continuity and consistency for our county and its residents. Thank you for your consideration of this application.

Sincerely,

Pablo A. Ramos

Back to Agenda

OFFICE OF THE SANTA CRUZ COUNTY ATTORNEY

GEORGE E. SILVA
County Attorney

Santa Cruz County Complex
2150 N. Congress Drive, Suite 201
Nogales, Arizona 85621
(520) 375-7780
FAX (520) 375-7909

MEMORANDUM

Date: April 13, 2020
To: Santa Cruz County Board of Supervisors
From: George E. Silva, Santa Cruz County Attorney

Recommendation: Staff recommends that the Board consider and approve the Temporary At-Will Employment Agreement between Santa Cruz County/Santa Cruz County Attorney's Office and Liliana Ortega as Deputy County Attorney.

Background: The Santa Cruz County Attorney's Office is currently operating with two attorney vacancies. We have advertised for one attorney position for about 3 months and have received one application to date. In an effort to continue to provide the mandated services of our Office and deal with the COVID-19 challenges, the Santa Cruz County Attorney has extended an employment contract to Liliana Ortega as Deputy County Attorney. Prior to her resignation on April 3, 2020, she served as Chief Criminal Deputy County Attorney for the SCCAO.

Financial Implications: There are no financial implications as position has been budgeted for.

Proposed Motion: "Mr. Chairman, I move to approve the Temporary At-Will Employment Agreement between Santa Cruz County/Santa Cruz County Attorney's Office and Liliana Ortega as Deputy County Attorney.

TEMPORARY (AT-WILL) EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT (the "Agreement") is made and executed as of the 8th day of April, 2020 by and between the County of Santa Cruz, Arizona and the Santa Cruz County Attorney's Office hereinafter referred to as "Employer," and Liliana Ortega, hereinafter referred to as "Vendor."

WHEREAS, Employer is a duly organized County in the State of Arizona.
WHEREAS, Employer desires to acquire the services of Vendor, and Vendor desires to be temporarily employed by Employer, and
WHEREAS, Employer and Vendor desire to have their rights, obligations, and duties specified herein.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants hereinafter contained, and for other good consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. <u>Employment.</u>
(a). Duties. Employer hereby employs Vendor, and Vendor hereby accepts employment with Employer upon the terms and conditions and for the period hereinafter set forth, Vendor's duties shall consist principally of Deputy County Attorney for and assigned to the Santa Cruz County Attorney's Office. Vendor's other duties shall be such as Employer may from time to time reasonably direct. Employer at all times reserves the right to assign Vendor to such different or additional duties as it deems necessary or advisable. Vendor agrees to devote her full business time and energy to the position of Deputy County Attorney during the term of this Agreement and to perform all functions in a professional manner. Vendor will report to and will be supervised by the Santa Cruz County Attorney.

(b). AT-WILL RELATIONSHIP. VENDOR UNDERSTANDS AND AGREES THAT THIS EMPLOYMENT RELATIONSHIP SHALL BE AT-WILL AND MAY BE TERMINATED BY EMPLOYER FOR ANY REASON OR FOR NO REASON. VENDOR FURTHER UNDERTSTANDS THAT NOTHING IN THE COUNTY PERSONNEL POLICY MANUAL (INCLUDING ANY DISCIPLINARY POLICIES OR PROCEDURES), ANY OTHER MANUALS EXISTING OR WHICH MAY FROM TIME TO TIME BE ISSUED, OR ANY REPRESENTATIONS BY ANY COUNTY EMPLOYEE SHALL CHANGE THE NATURE OF THIS AT-WILL EMPLOYMENT RELATIONSHIP.

(c). Vendor Conduct. Vendor agrees that during the term of this agreement, all of Vendor's activities and conduct will be governed by and Vendor will abide by all applicable policies and procedures of Employer and all of Employer's guidelines pertaining to ethical conduct. Vendor agrees that no rights specified in Employer's policies and procedures are granted to Vendor by virtue of this Agreement.

(d). Conflicts of Interest. At no time shall Vendor, or any member of the Vendor's family, have any interest, direct or indirect, in transactions or dealings with Employer from which Vendor, or Vendor's family, directly or indirectly benefits from the transaction or dealing, unless such transaction or dealing is fair and of direct benefit to Employer and has been specifically approved by the Employer.

2. **Term.** The at-will employment hereunder shall be for the period which shall commence April 8, 2020 and shall end on December 31, 2020, unless otherwise extended by mutual agreement of the Employer and Vendor.

3. **Termination.** Vendor may be terminated at any time for any reason. Employee understands that the County Personnel Policies, including any disciplinary policies and procedures, shall not apply to Vendor's relationship with Employer. Vendor's employment shall terminate automatically at the end of the term set forth herein unless renewed by Employer. Employment hereunder may also be earlier terminated upon Vendor's death, when Vendor is unable in Employer's judgment to fulfill the duties of the position of Deputy County Attorney, or by Employer at any other time, for any reason, with or without cause, provided such termination complies with law and regulations. Vendor warrants an understanding this Agreement vests no property rights whatsoever with Vendor in the position of Deputy County Attorney and Vendor hereby disavows any such right should one for any reason be created by law.

4. **Compensation.**

(a). Basic Salary. For services rendered by Vendor under this Agreement, Employer shall compensate Vendor in an amount equal to Forty-Nine Dollars and Seventy-Nine Cents ($49.79) per hour. Vendor will work no more than Forty (40) hours per week during the employment period mentioned herein. Vendor will bill her worked hours to Employer on a monthly basis commencing on May 1, 2020 and proceeding on the first day of the month for every subsequent month of employment. Vendor will bill Employer through the use of an invoice specifying the hours worked per day and week. Vendor understands that payment is for hours worked and there shall be no payment for, as examples, holidays, sick time, or vacation time taken by the Vendor.

(b). Benefits. Vendor understands that no benefits are offered and hereby acknowledges that Vendor expects no benefits during the term of this Agreement.

5. **Disabilities.** Employer does not discriminate because of disability and will make reasonable attempts to accommodate disabilities recognized by law. All Employer policies and procedures applicable to employees with disabilities shall be applicable to Vendor when necessary.

6. **Indemnification.** Employer shall defend, save harmless and indemnify Vendor against any tort, professional liability, claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance and scope of Vendor's duties as Deputy County Attorney. Throughout the term of this Agreement, Vendor will be covered by Employer's insurance coverage for all duties performed within the scope of Vendor's assigned work.

7. **General.** Except to the extent inconsistent with the express language of the foregoing provisions of this Agreement, the following provisions shall govern the interpretation, application, construction, and enforcement of this Agreement.

(a). Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be deemed severed from this Agreement, which shall otherwise remain in full force and effect.

(b). Additional Acts and Documents. Each party hereto agrees to do all such things and take all such actions, and to make, execute, and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent, and purpose of this Agreement.

(c). Attorney Fees. In the event suit is brought (or arbitration instituted) or an attorney is retained by any party to this Agreement to enforce the terms of this Agreement or to collect any moneys due hereunder, or to collect money damages for breach hereof, the prevailing party shall be entitled to recover, in addition to any other remedy, reimbursement for reasonable attorney fees, court costs, costs of investigation, and other related expenses incurred in connection therewith.

(d). Waivers. Failure of any party to exercise any right or option arising out of a breach of this Agreement shall not be deemed a waiver of any right or option with respect to any subsequent or different breach, or the continuance of any existing breach. Additionally, Vendor agrees to waive any and all rights to trial by jury. Any dispute arising out of the County's employment of Vendor, whether based on contractual, tort, federal or state law, including any claim to violation of civil rights or commercial rights, shall be tried to a court of competent jurisdiction without a jury.

(e). Integration Clause. This Agreement represents the entire agreement of the parties with respect to the subject matter hereof, and all agreements entered into or understandings created prior hereto with respect to the subject matter hereof are revoked and superseded by this Agreement, and no representations, warranties, inducements, or oral agreements have been made by any of the parties except as expressly set forth herein or in other contemporaneous written agreements.

(f). Oral Modification. This Agreement may not be changed, modified, or rescinded except in writing, signed by all parties hereto and any attempt at oral modification of this Agreement shall be void and of no effect.

(g). Captions. Captions and paragraphs headings used herein are for convenience only and are not a part of this Agreement and shall not be deemed to limit or alter any provisions hereof and shall not be deemed relevant in construing this Agreement.

(h). Governing Law. This Agreement shall be deemed to be made under, and shall be construed in accordance with and shall be governed by the laws of the State of Arizona. Suit to enforce any provision of this Agreement or to obtain any remedy with respect hereto may be brought in Superior Court, Santa Cruz County, Arizona; and each party hereto expressly and irrevocably consents to the jurisdiction of said court.

(i). No Assignments. This Agreement is personal to each of the parties hereto, and neither party may assign or delegate any of its rights or obligations hereunder without first obtaining the written consent of the other.

(j). Time is of the Essence. Time is of the essence in the performance of each provision of this Agreement.

Employee

Liliana Ortega Date

Santa Cruz County, Board of Supervisors

Bruce Bracker, Chairman Date

Santa Cruz County Attorney

George E. Silva Date

Board of Supervisors
Santa Cruz County

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Dated this 8th day of April, 2020.

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