

**DRAFT Minutes of the Special Meeting of the Board of Directors of  
the Sonoita Elgin Fire District  
9:30 AM, 08 January 2021**

Call to Order

Roll Call – Archibald (telephonically/electronically), Dorney, Johnson and Webber present. Also present was the District’s Attorney Donna Aversa (telephonically/electronically), and Acting Operations Chief Marc Meredith.

Pledge of Allegiance

Motion made by Dorney to go into Executive Session for discussion or consultation for legal advice with the attorney for the District regarding Chief DeWolf’s termination of employment, including compensation, authorization for Chief DeWolf’s compensation change implemented Nov. 2019, and Chief DeWolf’s response to termination of employment. Seconded by Archibald. The Board approved the motion unanimously. Recording stopped at 9:37 am.

Back in Regular Session at 9:55 am. Chairman Johnson reminded everyone that Pursuant to ARS Sec. 38-431(C ) Executive Sessions are confidential. Jonson noted Archibald left meeting at end of Executive Session.

Webber read out loud the document “Status of Notice of Termination issued by the Board on January 4, 2021”, which represents the Boards response to Chief DeWolfs request for reconsideration to the termination notice. That document is attached to these minutes as Exhibit A. After completion of the reading, Dorney made a motion not to approve Chief DeWolf’s request for reconsideration of his termination. Seconded by Webber. The Board approved the motion unanimously. Johnson and Attorney Aversa will notify Chief DeWolf of the Board’s decision.

Dorney made a motion to adjourn, seconded by Webber. The Board approved the motion unanimously. Meeting adjourned at 10:05 am

Governing Board Meeting minutes approved on \_\_\_\_\_ January 2021.  
By \_\_\_\_\_ Board Clerk, Reba Webber

Minutes written by Reba Webber, Board Clerk.

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**EXHIBIT A**

1. Status of Notice of Termination issued by the Board on January 4, 2021.

During his interview on Dec. 28, 2020, the Investigator gave Chief DeWolf the opportunity to provide her with any additional information or documentation. As of the date of the Board's action on January 4, 2021, He had not done so. The Board gave Chief DeWolf one last opportunity to provide documentation that the Board approved the increase in compensation that began as of November 1, 2018.

Although he has provided the Board with various SEFD financial statements and a narrative statement, he has not provided documentation that the Board approved his increase in compensation.

Chief DeWolf continues to deny any wrong doing and claims he read his request for an increase in compensation to the Board which then approved it. The facts do not support his position.

In fact, Chief DeWolf points to Board approved SEFD financial reports as the support for the increase in his compensation. However, it was the Board's questioning of the very line item to which he points which was the basis for the investigation.

During the course of the investigation, Chief DeWolf acknowledged that any increase in his compensation would have to be approved by the Board and would have been reflected in the Board's minutes.

Pointing to an amount embedded in a line item submitted as part of the SEFD financial records further demonstrates:

- his failure to understand that as SEFD fire chief, he serves in a position of public trust that requires stewardship in the honest and efficient use of public resources;
- his failure to exercise good faith and due diligence; and,
- a neglect or indifference to his responsibilities as the SEFD fire chief.

The Investigator confirmed that SEFD Board minutes do not contain approval for Chief DeWolf's pay increase.

The Investigator determined, among other things, that:

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- DeWolf admits creating a document dated Dec. 3, 2018 in which he expresses his intent to ask for a raise.
  - He states: *I would like to ask the Board to move my per week pay to \$1,000 allotting SEFD to make \$634.61 per week.*
  - An increase of \$300 per week x 52 weeks = an annual increase of \$15,600 for over two years is in excess of \$31,200.
  - That document is dated Dec. 3, 2018. He began receiving the raise in his paycheck on November 1, 2018.,
  - The document does not reflect Board approval of the increase in pay.
- The \$300 weekly increase to DeWolf is not shown on any Board Agenda or in any of the minutes as having been authorized by the Board.
- Fire Chief Joseph DeWolf failed to obtain permission and/or proper documentation to support the increase in pay he wanted from the PFD IGA.
- Chief DeWolf directed, allowed, and/or accepted the increase without having the request placed on the Board's Agenda and/or without any documented Board vote approving the request.
- Chief DeWolf occupies a position of public trust and must act to maintain the confidence of the public and of the Board.
- He has an obligation to avoid any appearance of impropriety, and should act in a manner that brings credit to SEFD.
- A preponderance of the evidence shows that
  - The Board did not authorize the increase in compensation.
  - DeWolf accepted raise payments before the earliest date that even he claims approval could have occurred.
  - Chief DeWolf was therefore paid a large sum of money over a 2+ year period (over \$30,000) without proper authorization.

Additionally, troublesome, is that had the Board been aware that Chief DeWolf's compensation increased in 2018 by more than \$15,600 per year, it would have been a consideration in the discussion to grant a one-time 'bonus' of \$5,000 approved by the Board in 2019.

Accordingly, because there was no Board action to approve the increase in Chief DeWolf's pay which began on November 1, 2018, and further because any claim by Chief DeWolf that the minutes were somehow incomplete is disingenuous and

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particularly troublesome coming a fire chief addressing his own \$15,600 annual increase in compensation,

I move that: the Board does not need to reconsider its termination of Chief DeWolf's contract and the termination stands for the reasons contained in the Notice of Termination issued by the Board on January 4, 2021.

2. Accounting into the overpayment of compensation.

Following the Board meeting on January 4, 2021, as directed by the Board, the Chairman and the attorney contacted SEFD auditors Walker & Armstrong to undertake an accounting to determine the amount by which Chief DeWolf was overpaid, including the employee related expenses associated with the overpayment, which will include a review of various records.

We anticipate that work will begin next week.

As part of the accounting, the auditors will exam the potential discrepancy between

- Chief's DeWolf's contract which provides for his group insurance coverage and SEFD policies which allow SEFD members to elect dependent coverage with the full cost of the dependence coverage to be paid by the member through payroll deductions

and

- The amount of group health insurance paid by SEFD.

As well as the period during which Chief DeWolf was paid for providing service to PFD and for which SEFD refunded PFD because Chief DeWolf did not provide services under the IGA.

The Chairman will have an update at the next SEFD Board meeting.