



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

Douglas A. Ducey
Governor

Michael Traylor
Director

SEP 13 2017

Ms. Debra K. Davenport, Auditor General
Office of the Auditor General
2910 North 44th Street, Suite 410
Phoenix, Arizona 85018

Dear Ms. Davenport,

The Arizona Department of Economic Security (ADES) appreciates the opportunity to provide a response to the Sunset Factors Audit conducted by your office that was received on September 6, 2017. The Department is committed to continuous quality, improvement, transparency, and accountability.

Enclosed is the Department's response to your findings and recommendations. We look forward to sharing our progress in implementing these recommendations.

Sincerely,

Michael Traylor
Director

Enclosures: ADES Sunset Factors Audit Response

Sunset Factor 4: The extent to which rules adopted by the Department are consistent with the legislative mandate.

Recommendation 1.1: Because of the existing moratorium on state agencies' rulemaking, the Department should:

Recommendation 1.1a: Continue with its efforts to determine whether and when it can proceed with rulemaking to establish rules for the ABLE program; and

Department Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The ABLE Oversight Committee and Executive Director were appointed in 2017. The Department will seek a rulemaking moratorium exception to establish rules for the ABLE program during the second quarter of SFY 2018.

Recommendation 1.1b: Continue with its efforts to determine whether and when it can proceed with rulemaking to establish rules for the long-term care ombudsman program (see Sunset Factor 4, pages 14 through 15, for more information).

Department Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The Department will seek a moratorium exception to establish rules for the long term care ombudsman program in the second quarter of SFY 2018.

Sunset Factor 5: The extent to which the Department has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

Recommendation 2.1: To help ensure that the councils, boards, and committees the Department staffs consistently comply with the State's open meeting law requirements, the Department should:

Recommendation 2.1a: Develop and implement policies and procedures regarding staff responsibilities for helping to ensure that the councils, boards, and committees comply with the open meeting law, including how it will oversee staff's adherence to these policies and procedures. These policies and procedures should reflect staff responsibilities such as posting a statement on the website where councils', boards', and committees' meeting notices will be posted and providing meeting minutes within 3 working days of the meeting.

Department Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The Department will develop and implement policy addressing Open Meeting Law requirements and the specific procedures necessary to ensure staff compliance. The policy will ensure staff are aware of all public notification requirements for meetings, agendas, and minutes. The policy will identify a Department Open Meeting Coordinator to track compliance.

Recommendation 2.1b: Develop and implement training for all department staff who provide support to the councils, boards, and committees based on its open meeting law policies and procedures. This training should cover policies and procedures for complying with all open meeting law requirements as outlined in statute, explain the staff's responsibilities for helping the councils, boards, and committees meet these requirements, and be provided to appropriate department staff on a regular basis (see Sunset Factor 5, pages 15 through 16, for more information).

Department Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The Department has contacted the Staff Attorney with the Arizona Citizens Aide Ombudsman Office and confirmed the availability of Open Meeting Law training. Training will be provided to all DES staff responsible for providing support to councils, boards, and committees. The training will address the legal requirements of the Open Meeting Law and will be provided on a regular basis for existing staff, and to new staff as needed, which provide support to councils, boards and committees.