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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
A G E N D A
GENERAL MEETING

Department of Motor Vehicles
2415 1st Avenue
Assembly Room 6th Floor
Sacramento, California 95818
(916) 445-1888

April 25, 2024

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, they may want to attend.

The Board provides an opportunity for members of the public to comment on each agenda item before or during the discussion or consideration of the item. (Gov. Code § 11125.7)

The meeting is being held at the Department of Motor Vehicles' Headquarters in Sacramento located between Broadway and 24th Street. Attendees need to check in at the security desk on the 1st floor to receive a visitor's badge. Guest parking passes are available in advance by emailing the Board at nmvp@nmvp.ca.gov or can be requested on the day of the meeting in the lobby. Board staff will be available to answer any questions and escort attendees from the lobby to the meeting room.

1. **8:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Update on the California State Transportation Agency (CalSTA) by Undersecretary Mark Tollefson - Board Development Committee.**

5. **Board Member education concerning Statement of Incompatible Activities (Gov. Code §§ 19572, 19990; *Fisher v. State Personnel Bd.* (2018) 25 Cal. App. 5th 1), examples of activities that are incompatible, conflicts of interest (Gov. Code § 87100, et seq.), and ethics and disclosure rules by John T. McGlothlin, Deputy Attorney General assigned to the Board - Board Development Committee.**
6. **Approval of the Minutes from the December 8, 2023, General Meeting.**
7. **2024 Election of Board President and Vice President - Executive Committee.**
8. **Annual review and appointment of Committee members to the Administration Committee, Board Development Committee, Fiscal Committee, Government and Industry Affairs Committee, Legislative Committee, Policy and Procedure Committee, and Ad Hoc Committee on Equity, Justice and Inclusion, by the incoming Board President.**
9. **Appointment of Board Member designee in compliance with the Board's 1997 "Revised Board Policy Regarding Representation in Court Actions," by the incoming Board President.**
10. **Consideration of presentation of Resolution to Ryan Fitzpatrick, former Dealer Board Member.**
11. **Consideration of presentation of Resolution to the California New Car Dealers Association to commemorate their 100th Anniversary.**
12. **Discussion of the Budget Letter (BL 23-27) dated December 12, 2023 pertaining to Current Year Expenditure Freeze, and its impact on the Board's operations.**
13. **Discussion and consideration of activities and events commemorating the New Motor Vehicle Board's 50th anniversary (July 1, 2024).**
14. **Discussion and consideration of the Board's Strategic Plan July 2024 - June 2030 - Executive Committee.**
 - a. Discussion and consideration of written public comments received in response to the Board's Public Notice dated February 2024.
 - b. Additional public comments. (Gov. Code § 11125.7)
 - c. Discussion and consideration of the draft Strategic Plan, which includes the following objectives:
 - (1) Improve outcomes for all motor vehicle consumers.
 - (2) Contribute to the advancement of the California State Transportation

Agency's Core Four priorities: Safety, Equity, Climate Action and Economic Prosperity.

- (3) Transform our organization to become more resilient and conserve limited resources.
 - (4) Reimagine the engagement experience to meet the needs of the public, our industry, and litigant stakeholders.
- d. Discussion and consideration of authorization of discretion to the Executive Director to implement action items responsive to the objectives noted above.
15. **Discussion of plans to fill the vacant Assistant Executive Officer position, including consideration of the position classification, duties, title, and recruitment strategies - Administration Committee.**
 16. **Consideration of the revised *Guide to the New Motor Vehicle Board* to include information on statutory and regulatory changes - Administration Committee.**
 17. **Update on Board Development Activities - Board Development Committee.**
 18. **Board member education concerning changes to the Administrative Procedure Act and Bagley-Keene Open Meeting Act - Board Development Committee.**
 19. **Board member education concerning changes to the Political Reform Act and Public Records Act - Board Development Committee.**
 20. **Report on the Board's financial condition for the 1st quarter of Fiscal Year 2023-2024 and other related fiscal matters - Fiscal Committee.**
 21. **Discussion of the 2024 New Motor Vehicle Board Industry Roundtable focusing on industry services - Government and Industry Affairs Committee.**
 22. **Update on the Core Four - Safety initiative (OKR) related to improving the repair rate of California-registered vehicles subject to the Takata air bag inflator "stop drive" safety recall - Government and Industry Affairs Committee.**
 23. **Discussion concerning pending legislation - Legislative Committee.**
 24. **Annual report concerning Board adopted policies - Policy and Procedure Committee.**
 25. **Annual report on the assignment of cases to Administrative Law Judges - Policy and Procedure Committee.**

26. **Consideration of the *Export or Sale-For-Resale Prohibition Policy Protest Guide* (Vehicle Code section 3085, et seq.) - Policy and Procedure Committee.**
27. **Consideration of revisions to the *Informational Guide for Manufacturers and Distributors*, which outlines their obligations to provide notices, schedules, and formulas mandated by the California Vehicle Code and Civil Code to the New Motor Vehicle Board and/or impacted dealers - Policy and Procedure Committee.**
28. **Discussion and consideration of proposed regulatory amendments to the definition of Administrative Law Judge in subdivision (a) of Section 550 of Title 13 of the California Code of Regulations (Definitions) to exempt the Board from subdivision (b) in Sections 3067, 3081, and 3085.4 when the Office of Administrative Hearings presides over a merits hearing - Policy and Procedure Committee.**
29. **Executive Director's Report.**
 - A. Administrative Matters.
 - B. Case Management.
 - C. Judicial Review.
 - D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
 - E. Other.
30. **Selection of Board meeting dates for the remainder of 2024.**
31. **Presentation of the Department of Motor Vehicle's Report of Investigation regarding whether Subaru of America, Inc. violated Vehicle Code sections 3060, 11713.3(d)(1), and 11713.3(l).**

COURTESY AUTOMOTIVE GROUP, INC., dba COURTESY SUBARU OF CHICO v. SUBARU OF AMERICA, INC.
Petition No. P-463-22

Discussion of the Department of Motor Vehicle's Report of Investigation finding that based on documentary evidence and witness interviews, violations of Sections 3060, 11713.3(d)(1), and 11713.3(l) were not established, by the Public Members of the Board.

32. **Public Comment. (Gov. Code § 11125.7)**

33. Adjournment.

To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Alex Martinez at (916) 445-1888 or Alejandro.martinez2@dmv.ca.gov.