

PALM DESERT ACCORD & RESOLUTION

MARCH 4, 2011

WHEREAS, on July 21, 2008 California Governor Arnold Schwarzenegger signed into law a bill sponsored by the City of Palm Desert, Assembly Bill 811, allowing property owners to declare their independence from traditional production and delivery mechanisms of energy into their homes and the payment therefore; and

WHEREAS, on August 28, 2008, the City of Palm Desert, California became the first local government in America to craft and offer an “AB 811” program to its residents as part of its overall Energy Independence campaign to reduce energy consumption by 30 percent and to promote rooftop solar energy; and

WHEREAS, Assembly Bill 811 allows homeowners to finance energy efficiency and distributed energy systems in their homes through their local governments and repay these obligations over time from savings on their utility bills among other things; and

WHEREAS, the genius of Assembly Bill 811 is that it allows these benefits to homeowners, while increasing equity in their homes, improving the security interests of their lenders, reducing the carbon footprint within their communities, helping manage demand response within their state and reducing our national dependence on foreign oil, all at no cost to taxpayers; and

WHEREAS, the popularity of Assembly Bill 811, known nationally as “Property Assessed Clean Energy” or “PACE” programs, has caused the following 24 states and the District of Columbia to adopt this legislative scheme:

California	Maine	Nevada	Ohio
Colorado	Maryland	New Hampshire	Oklahoma
Florida	Massachusetts	New Mexico	Oregon
Georgia	Michigan	New York	Vermont
Illinois	Minnesota	North Carolina	Virginia
Louisiana	Missouri	Texas	Wisconsin

District of Columbia

WHEREAS, PACE takes its name in part from the security mechanism of the legislative scheme whereby the repayment of the local government loans are secured by “liens” on their property tax bills sent by the local government; and

WHEREAS, on July 6, 2010 the Federal Housing Finance Agency (FHFA) issued a Statement calling on States and local governments to “pause” PACE programs and directing Fannie Mae, Freddie Mac and the Federal Home Loan Banks to prohibit any homeowner with senior PACE liens from participating in their programs;” and

WHEREAS, the impact of the FHFA ruling was to cause most PACE programs to suspend lending operations and to cause California and numerous local governments and organizations to file suit in federal court against FHFA (State of California, the City of Palm Desert, County of Sonoma, and County of Placer, California, the Sierra Club, National Resources Defense Council, Town of Babylon, New York, County of Leon, Florida); and

WHEREAS, the impact of the FHFA ruling was to incite Congressional action with the introduction of bills seeking to reverse the FHFA ruling and clarify the role of PACE in federally backed loans and other debt instruments; and

WHEREAS, numerous attempts have been made to the FHFA, the Department of Energy, the Federal Reserve and other political subdivisions of the current Administration to remedy the situation set forth in the recitals to this Accord and Resolution, all to no avail; and

WHEREAS, in recognition of the ongoing judicial, legislative and executive efforts to establish a national priority of the Energy Independence objectives of Assembly Bill 811 and PACE those so aligned and mutually interested in this objective have convened the “PACE Solutions: Bringing AB 811 Home” conference in Palm Desert, California on March 3rd and 4th, 2011.

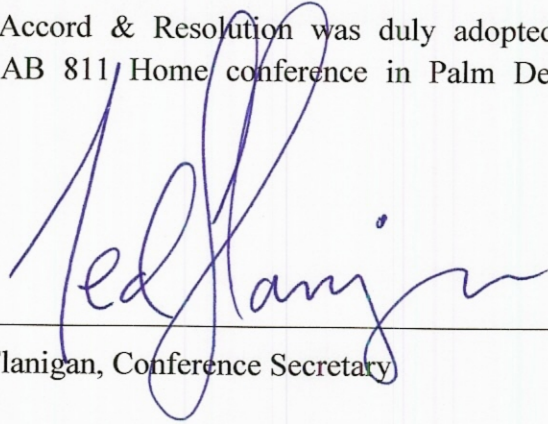
NOW, THEREFORE, BE IT RESOLVED by the participants, presenters, delegates, representatives and supporters of the PACE Solutions conference that our National elected and appointed leaders adopt and/or recognize as their highest priority.

ENERGY INDEPENDENCE NOW

BE IT FURTHER RESOLVED that those same leaders, whether in the executive, legislative or judicial branches of the federal government, recognize and respect the legislative scheme set forth in Assembly Bill 811 and PACE and further provide equal dignity to energy efficiency and distributive generation financing assessments to that of other public assessments which have been recognized by the federal government for over 100 years.

AND, BE IT FURTHER RESOLVED that the Secretary of this conference be instructed to transmit a certified copy of this Accord & Resolution to United States President Barack Obama, House of Representative Speaker John Boehner and Senate Majority Leader Harry Reid and those identified on the service list attached hereto as Exhibit “A”.

I HEREBY CERTIFY THAT the foregoing Accord & Resolution was duly adopted by acclamation at the PACE Solutions: Bringing AB 811 Home conference in Palm Desert, California held on March 3rd and 4th, 2011.



Ted Flanigan, Conference Secretary

Note: Signatures in support of the Palm Desert Accord are being collected and will be instrumental in pressing legislators for support of PACE at the national level. Forward supporting signatures via email to: Virginia Nicols, EcoMotion vnicols@ecomotion.us.

Please use the subject line: Support for Palm Desert Accord

Name

Title

Affiliation/Organization

State