

**SECOND AMENDMENT
TO THE
MEMORIAL HEALTHCARE SYSTEM
RSP GOLD PLAN**

WHEREAS, the South Broward Hospital District, DBA Memorial Healthcare System (the “Employer”), established and maintains the Memorial Healthcare System RSP Gold Plan (the “Plan”) effective as of January 1, 1989 (originally known as the South Broward Hospital District Voluntary Savings Plan) for the benefit of eligible employees; and

WHEREAS, the Plan was most recently amended and restated effective as of January 1, 2020 (the “2020 Plan Restatement”); and

WHEREAS, the Plan and the related annuity contracts and custodial accounts are intended to conform to and satisfy the requirements of Section 403(b) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, Section 11.8 of the Amended 2020 Plan Restatement provides that the Employer, by action of its Board of Commissioners, or the Executive Committee acting on its behalf, may amend the Plan at any time; and

WHEREAS, as a result of experiencing material adverse financial consequences due to the coronavirus disease 2019 (COVID-19) pandemic, the Employer adopted the First Amendment to the 2020 Plan Restatement (the “First Amendment”), which suspended Employer matching contributions to be made to the Plan (the 2020 Plan Restatement and the First Amendment thereto are collectively referred to herein as the “Amended 2020 Plan Restatement”); and

WHEREAS, as a result of its improved financial condition despite the continuation of the COVID-19 pandemic, the Employer desires to recommence making Employer matching contributions to the Plan; and

WHEREAS, the Employer also desires to clarify who is an Employer under the Plan;

NOW THEREFORE, to effectuate the foregoing, the Plan is hereby further amended as set forth hereinafter:

1. Section 2.19 of the Amended 2020 Plan Restatement is amended to read as follows:

“South Broward Hospital District, DBA Memorial Healthcare System. For purposes of eligibility to participate in and make contributions to the Plan, “Employer” also includes any Related Employer that is an eligible employer within the meaning of Section 1.403(b)-2(b)(8) of the Treasury Regulations and that has adopted the Plan with the approval of the Employer.”

2. Section 4.5 of the Amended 2020 Plan Restatement, which was amended by the First Amendment, is amended to read as follows:

“Except as otherwise provided in this Section 4.5, each Plan Year or such shorter period as described herein, the Employer, an applicable Related Employer that is a eligible employer within the meaning of Section 1.403(b)-2(b)(8) of the Treasury Regulations, or both shall make a matching contribution equal to a percentage (as determined below) of the elective deferrals of each Participant who is eligible to receive Employer contributions.

“However, the total matching contribution made on behalf of a Participant may not exceed the percentage specified below of the Participant’s Compensation during the Plan Year or other applicable contribution period. The Employer matching contributions made on behalf of a Participant shall be allocated to his Employer Matching Contribution Account. A Participant who terminates employment during a Plan Year or other applicable contribution period shall receive a matching contribution based on his elective deferrals made during such Plan Year or contribution period and prior to his date of termination.

“Effective for Plan Years beginning on and after January 1, 1989 and ending before January 1, 1991, the Employer matching contribution shall be made at a rate equal to a percentage (determined below) of the elective deferrals of each Employee who is eligible for Employer matching contributions, not to exceed 3 percent of Compensation.

| Years of Service | Employer Matching Contributions |
|-------------------------|--|
| 0-3 | 25% |
| 4 | 35% |
| 5-9 | 40% |
| 10 or more | 50% |

“Effective for the Plan Year beginning January 1, 1991, the Employer matching contribution shall be made at a rate equal to a percentage (determined below) of the elective deferrals of each Employee who is eligible for Employer matching contributions, not to exceed 3.67 percent of Compensation.

| Years of Service | Employer Matching Contributions |
|-------------------------|--|
| 0-3 | 30% |
| 4 | 35% |
| 5-9 | 45% |
| 10 or more | 55% |

“Effective for Plan Years beginning on and after January 1, 1992 and ending before January 1, 2000 and for the contribution period beginning January 1, 2000 and ending April 30, 2000, the Employer matching contribution shall be made at a rate equal to a percentage (determined below) of the elective deferrals of each

Employee who is eligible for Employer matching contributions, not to exceed 4 percent of Compensation during such Plan Year or contribution period.

| Years of Service | Employer Matching Contributions |
|-------------------------|--|
| 0-3 | 30% |
| 4 | 35% |
| 5-9 | 45% |
| 10 or more | 55% |

“Effective for the contribution period beginning May 1, 2000 and ending December 31, 2000, for Plan Years beginning on and after January 1, 2001 and ending before January 1, 2020, for the contribution period beginning January 1, 2020 and ending May 23, 2020 (the “First 2020 Contribution Period”), for the contribution period beginning September 27, 2020 and ending December 31, 2020 (the “Second 2020 Contribution Period”), and for Plan Years beginning on and after January 1, 2021, the Employer matching contribution shall be made at a rate equal to a percentage (determined below) of the elective deferrals of each Employee who is eligible for Employer matching contributions, not to exceed 5 percent of Compensation during such Plan Year or applicable contribution period.

| Years of Service | Employer Matching Contributions |
|-------------------------|--|
| 0-3 | 30% |
| 4 | 35% |
| 5-9 | 45% |
| 10 or more | 55% |

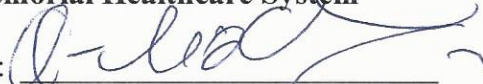
“Notwithstanding the foregoing provisions of this Section or any other provision of the Plan to the contrary, the Employer shall not make, nor shall it be obligated to make, any Employer matching contributions with respect to elective deferrals attributable to an Employee’s Compensation earned on or after May 24, 2020 and before September 27, 2020 (the “COVID-19 Suspension Period”). For the avoidance of doubt and for purposes of clarification, no Employee who is otherwise eligible for Employer matching contributions, but for the immediately preceding sentence and paragraph, shall be entitled to any Employer matching contributions with respect to elective deferrals attributable to Compensation earned during the COVID-19 Suspension Period and, as a result, Employer matching contributions made on account of the Plan Year beginning January 1, 2020 shall be determined separately for the First 2020 Contribution Period and the Second 2020 Contribution Period, and shall not be determined by treating such Plan Year as a single contribution period.

“For purposes of applying the above matching contributions formulas and effective for Plan Years beginning on or after the Original Effective Date, a Participant who terminates employment and is rehired shall only receive credit for one-half of the Participant’s Years of Service completed prior to the termination of employment (such Years of Service shall be rounded up to the next highest whole number).”

3. This Second Amendment shall be effective as of January 1, 2020, except that Paragraph 2 of this Second Amendment shall be effective as of September 27, 2020, which is the first day of the first biweekly payroll period with respect to which elective deferrals will again be entitled to Employer matching contributions.
4. In all other respects, the Amended 2020 Plan Restatement shall be and remain unchanged by this Second Amendment.

IN WITNESS WHEREOF, the Employer has caused this Second Amendment to the Memorial Healthcare System RSP Gold Plan to be executed on this 16th day of September, 2020.

**South Broward Hospital District, DBA
Memorial Healthcare System**

By: 

Aurelio M. Fernandez, III

Its: President and CEO
(Title)