

**AN ORDER OF THE ST. LUCIE COUNTY ADMINISTRATOR REGARDING TIAA
REQUESTED ELECTION FOR THE COUNTY'S DEFERRED COMPENSATION PLAN**

WHEREAS, the St. Lucie County Administrator has made the following determinations:

1. Novel Coronavirus Disease 2019 ("COVID-19") is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

2. In late 2019, a new and significant outbreak of COVID-19 emerged in China; and

3. The World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

4. In response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

5. On March 1, 2020, the Governor of the State of Florida issued Executive Order Number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

6. On March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

7. On March 7, 2020, the Governor of the State of Florida directed the Director of the Division of Emergency Management to activate the State of Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

8. On March 9, 2020, the Governor of the State of Florida issued Executive Order Number 20-52 declaring that a state of emergency exists in the State of Florida as a result of the spread of the COVID-19 virus and imminent threat to the health and welfare of the citizens of Florida; and

9. The CDC currently recommends community preparedness and that everyday prevention measures should be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often

with soap and water for at least 20 seconds, using alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

10. The CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

11. On March 13, 2020, the President of the United States issued a proclamation of a declaration of national emergency; and

12. On March 13, 2020, the Coordinating Officer for the State of Florida Division of Emergency Management issued Emergency Order No. 20-004, authorizing the Department of Education to delay school assessments and to adjust school calendars including rescheduling, extending or cancelling spring breaks; and

13. On March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people, and in states with evidence of community spread, recommending restrictions to certain establishments conducive to mass gatherings and congregations; and

14. On March 29, 2020, the President extended such guidance to be in effect until April 30, 2020; and

15. On March 17, 2020, the St. Lucie County Public Safety Director declared a State of Local Emergency COVID-19 Public Health Emergency ("St. Lucie County Declaration of Emergency"); and

16. On March 24, 2020, the Governor of the State of Florida issued Executive Order No. 20-83 directing the State Surgeon General and State Health Officer to issue a public health

advisory to all persons over 65 years of age and persons that have serious underlying medical conditions that place them at high risk of severe illness from COVID-19 urging them to stay home and to take such other measures as necessary to limit their risk of exposure to COVID-19; and

17. Pursuant to Executive Order No. 20-83, the Governor of the State of Florida further directed the State Surgeon General and the State Health Officer to issue a public health advisory providing that individuals should cease all social or recreational gatherings of 10 or more people; and

18. On March 25, 2020, the State Surgeon General issued a Public Health Advisory consistent with Executive Order 20-83; and

19. On March 25, 2020, the President of the United States declared that a major disaster exists in the State of Florida as a result of COVID-19; and

20. On April 1, 2020, the County received the following email:

The Coronavirus Aid, Relief, and Economic Security (CARES) Act includes two provisions enabling participants to access retirement plan accumulations to address financial hardships resulting from the Coronavirus outbreak:

- **Coronavirus distributions** of up to \$100,000.00 – TIAA Traditional accounts in RA/GRA/RC contracts are not eligible for these distributions, except via TPA advances.
- **Increased loan limits** to \$100,000.00 or 100% of the balance (with different conditions for RPLs versus collateralized loans)

Because plan sponsors can decide not to offer these provisions, TIAA is using a “negative election” process to expedite the rollout. We will make the withdrawals and loans available to participants *unless* plan sponsors tell us they do *not* want to do so. For plan sponsors using TIAA plan documents, the provisions are being made available until a plan sponsor opts out. For those not using our plan document, the provisions will be made available on April 6. (Clients have until the end of 2022 to amend plan documents for the provisions.)

Please respond with your option by replying to this email. After April 6 TIAA will offer loans and hardships to all plans, regardless of the plan document they use, unless you opt out.

21. Due to emergency conditions outlined above, the County's Deferred Compensation Committee is unable to meet before the April 6, 2020 deadline; and

22. Paragraph 2 of the St. Lucie County Declaration of Emergency provides that the County Administrator may take all actions necessary and appropriate to protect human life and prosperity, to the extent necessary to accommodate the emergency; and

NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

1. The determinations, orders, and declarations identified above are incorporated herein.
2. I hereby authorize the County's Finance Director to make the election required by TIAA before April 6, 2020.
3. The County Finance Director election, as set out above, shall be placed on the agenda of the next Deferred Compensation Committee for purposes of ratifying the decision of the Finance Director.

Severability.

Any provision(s) within this Order that conflict(s) with any State or Federal law or constitutional provision, or conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect.

This Order is effective as of 8:00 a.m. on 3rd day of April, 2020. This Order will expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent Order.

Prior resolutions and emergency orders remain in force and effect unless modified or superseded.

This Order shall be filed in the Office of the Clerk of the Circuit Court.

Signed this 2nd day of April, 2020 at 3:00 (a.m.) (p.m.)



Howard N. Tipton
County Administrator