

1 [Determining surviving spouse status for retirement purposes.]

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3 **Ordinance amending Chapter 16 of the Administrative Code by adding Administrative**
4 **Code Section 16.80-8 to determine qualifications for "surviving spouse" status under**
5 **the City's retirement plans.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike-through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strike through normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The San Francisco Administrative Code Chapter 16 is hereby amended by
11 adding Administrative Code Section 16.80-8, to read as follows:

12 SEC. 16.80-8. DEATH BENEFITS – DETERMINING QUALIFICATION FOR SURVIVING
13 SPOUSE STATUS.

14 (a) **Qualification.** To determine qualification as a surviving spouse as used in the retirement
15 plans established by the Charter, and provided all other Charter requirements are met, surviving
16 spouse shall mean and include: (1) a surviving wife or a surviving husband whose marriage is valid
17 or recognized under the laws of California; or (2) a surviving member of a same-sex couple who
18 married each other in another jurisdiction on or after November 5, 2008 and whose marriage would be
19 valid under the laws of the jurisdiction in which the marriage was contracted, but is not valid or
20 recognized by the laws of California; or (3) a surviving domestic partner under Charter Section
21 A8.500-2 and Chapter 62 of the Administrative Code.

22 (b) **Termination.** No person who is receiving a surviving spouse benefit under the retirement
23 plans established by the Charter shall continue to be eligible to receive such benefit if he or she: (1)
24 marries or remarries; or (2) enters into a same-sex marriage in another jurisdiction on or after
25 November 5, 2008 and said marriage would be valid under the laws of the jurisdiction in which the

1 marriage was contracted but is not valid or recognized under the laws of California; or (3) enters into
2 a domestic partnership, civil union or other similar relationship under Charter Section A8.500-2 and
3 Chapter 62 of the Administrative Code.

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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: _____
8 Caryn Bortnick
9 Deputy City Attorney