

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;  
 Board amendment deletions are ~~strikethrough-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.

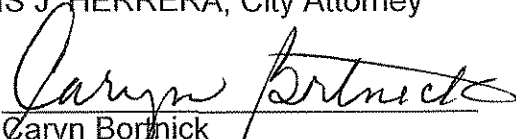
14 (a) Qualification. To determine qualification as a surviving spouse as used in the retirement  
 15 plans established by the Charter, and provided all other Charter requirements are met, surviving  
 16 spouse shall mean and include: (1) a surviving wife or a surviving husband whose marriage is valid  
 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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APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By:   
Caryn Bortnick  
Deputy City Attorney



**City and County of San Francisco**  
**Tails**  
**Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 091370

**Date Passed:** March 09, 2010

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

March 02, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi  
Excused: 1 - Alioto-Pier

March 09, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi  
Excused: 1 - Alioto-Pier

File No. 091370

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on 3/9/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

Mayor Gavin Newsom

3-19-2010

Date Approved