

File No. 091370

Committee Item No. 4
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Rules Date February 18, 2010

Board of Supervisors Meeting Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

Completed by: Linda Wong Date February 12, 2010
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Determining surviving spouse status for retirement purposes.]

2
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 ~~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:

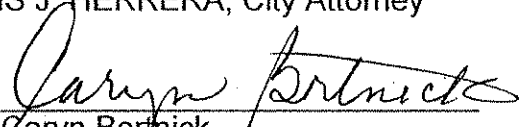
12 SEC. 16.80-8. DEATH BENEFITS – DETERMINING QUALIFICATION FOR SURVIVING
13 SPOUSE STATUS.

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.

4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: 
8 Caryn Borjnick
9 Deputy City Attorney

LEGISLATIVE DIGEST

[Determining surviving spouse status for retirement purposes.]

Ordinance amending Chapter 16 of the Administrative Code by adding Administrative Code Section 16.80-8 to clarify who qualifies for surviving spouse status in order to receive benefits from the Retirement System and to clarify the circumstances when entitlement to a surviving spouse benefit will cease.

Existing Law

Under the Charter, certain benefits may become payable to a surviving spouse when a member of the San Francisco Employees' Retirement System dies.

Amendments to Current Law

This proposed ordinance clarifies who qualifies for surviving spouse status to establish eligibility for benefits under the Retirement System. The ordinance also defines the circumstances when entitlement to a surviving spouse benefit will cease.

Background Information

This ordinance was proposed by the Retirement System.

City and County of San Francisco



Rules Clerk
Sup - mpos, Alioto-Pier, Mar
File 091370, COB, RC
San Francisco City and County
Employees' Retirement System

January 20, 2010

The Honorable David Campos
Chair, Rules Committee
Board of Supervisors
Room 244, City Hall
San Francisco, CA 94102

The Honorable Michela Alioto-Pier
Vice Chair, Rules Committee
Board of Supervisors
Room 244, City Hall
San Francisco, CA 94102

The Honorable Eric Mar
Member, Rules Committee
Board of Supervisors
Room 244, City Hall
San Francisco, CA 94102

Angela Calvillo
Clerk of the Board
Board of Supervisors
Room 208, City Hall
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 JAN 22 PM 3:04
BY: AK

RE: **File No. 091370**

Ordinance amending Chapter 16 of the Administrative Code by adding Administrative Code Section 16.80-8 to clarify the definition of those individuals who qualify for surviving spouse status in order to receive survivor benefits from the Retirement System and to clarify the definition of circumstances which trigger cessation of entitlement to surviving spouse survivor benefits.

This letter is the cost and effect report required to be prepared by the San Francisco Employees' Retirement System under Charter Section A8.500.

Effect of the Proposed Amendment to Administrative Code

The proposed Ordinance extends the definition of individuals who qualify for surviving spouse status, for the purpose of establishing eligibility for survivor benefits under the Retirement System, to include a surviving member of a same-sex couple married in a jurisdiction other than California on or after

November 5, 2008 and whose marriage would be valid under the laws of the jurisdiction in which the marriage was contracted, but is not valid or recognized by the laws of California.

The proposed Ordinance also extends the definition of circumstances when entitlement to a survivor benefit will cease, to include the case of a beneficiary receiving a survivor benefit from the Retirement System, who later becomes a member of a same-sex couple married in a jurisdiction other than California on or after November 5, 2008 and whose marriage would be valid under the laws of the jurisdiction in which the marriage was contracted, but is not valid or recognized by the laws of California.

Cost of the Proposed Charter Amendment

The determination of the employer contribution rate for the Plan each year is based on the annual actuarial valuation which estimates the frequency and amounts of benefits expected to be paid from the Plan in the future. The estimate of survivor benefits paid from the Plan includes an actuarial assumption as to the percentage of members who will have spouses or domestic partners at time of death. The inclusion of surviving members of same-sex couples who married each other in a jurisdiction other than California on or after November 5, 2008 and whose marriage would be valid under the laws of the jurisdiction in which the marriage was contracted, but is not valid or recognized by the laws of California, does not in the judgment of the Retirement System increase the amount of payable survivor benefits to a level sufficient to warrant a change to the existing actuarial assumption, and therefore would not cause a material increase in the employer contribution rate in the future.

The Retirement System will appear at the Board of Supervisors hearing on this subject and address questions of the Board.

Very truly yours,



Gary A. Amelio
SFERS Executive Director



Ray Lane
SFERS Actuarial Services Coordinator

cc: The Honorable Gavin Newsom, Mayor
The Honorable Sean Elsbernd, Supervisor
The Honorable Dennis Herrera, City Attorney
Caryn Bortnick, Deputy City Attorney

