

#58  
1/09/07

ORDINANCE NUMBER O- 19568 (NEW SERIES)

DATE OF FINAL PASSAGE JAN - 9 2007

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1, BY ADDING SECTION 24.0103.1, RELATING TO THE SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM, IMPLEMENTING THE REQUIREMENTS OF CALIFORNIA'S DOMESTIC PARTNER RIGHTS AND RESPONSIBILITIES ACT.

WHEREAS, California's Domestic Partner Rights and Responsibilities Act of 2003 [Act] extends nearly all rights, benefits, and obligations of married persons to persons registered with the California Secretary of State as domestic partners on or after January 1, 2005; and

WHEREAS, the Act prohibits a public agency from treating state-registered domestic partners differently than married couples; and

WHEREAS, the Municipal Code must now be amended to reflect the extension of retirement benefits to domestic partners registered with the California Secretary of State on or after January 1, 2005; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 4, Division 1 of the San Diego Municipal Code is amended by adding section 24.0103.1 as follows:

**24.0103.1 Compliance with the California Domestic Partner Rights and Responsibilities Act of 2003**

Unless otherwise stated, for purposes of this Article:

“surviving spouse” includes a registered Domestic Partner pursuant to the California Domestic Partner Rights and Responsibilities Act of 2003.

Section 2. It is the express intent of the City Council that any economic benefit, savings, or effect of this ordinance shall not be used directly or indirectly, to fund, support in any way, or ratify any employment or retirement benefit determined to be illegal by a court of law, or be construed to prevent further modification or rescission of any employment or retirement benefit.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public a day prior to its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL AGUIRRE, City Attorney

By William Gersten  
William Gersten  
Deputy City Attorney

WJG:lb:amp  
11/6/2006  
Or.Dept:City Attorney  
O-2007-44  
11/20/2006 COR. COPY  
12/1/2006 COR. COPY2

I hereby certify that the following Ordinance was passed by the Council of the City of San Diego, at its meeting of JAN 09 2007.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

[Signature]  
JERRY SANDERS, Mayor

Approved: 1.17.07  
(date)

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor