

July 31, 2019

## MEMORANDUM

**To:** Members of the Governance, Equity and Technology Committee  
**From:** Aly Pennucci, Supervisor  
**Subject:** Council Bill 119594 – Creation of the Code Reviser Position and Duties

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On August 6, 2019, the Governance, Equity and Technology (GET) Committee will discuss and may vote on [Council Bill \(CB\) 119594](#). The CB would create a Code Reviser position in the City Attorney’s Office (CAO) and establish rules of construction for the Seattle Municipal Code (SMC). The below describes the proposed legislation and its potential benefits.

### **Council Bill 119594**

The proposed legislation establishes a Code Reviser position to be filled by a lawyer. Currently, the CAO has two paralegals who serve as legislation editors. They work with all branches of City government to identify and resolve issues in proposed legislation, including amendments, as well as provide trainings and advise on code drafting. If adopted, one of the two legislative editor positions will be permanently reclassified to a Strategic Advisor 2 (Code Reviser).

The Code Reviser will continue to identify and resolve issues in proposed legislation to ensure accuracy. The Code Reviser’s expanded duties and authority will include the authority to correct, revise, and proactively correct non-substantive errors, including addressing discrepancies and harmonizing ordinances before the publication of the final code.

The proposed legislation also enacts several “general rules of construction” for the SMC, such as “counting of days” (see Section 7 in CB 119594) and clarifying the powers of a director would include the delegation of powers to a designee unless stated otherwise (see Section 4). Based on State law, the proposal further clarifies how to handle multiple ordinances amending the same section. These enhancements would allow the Code Reviser to handle these types of corrections directly rather than requiring new legislation to make corrections.

The list of code revision powers included in the proposed legislation is based on existing State powers, County powers, and other guidelines that introduce clarity in code drafting and efficiencies that the current legislative editors have identified. Appendix 1 further summarizes the “powers” to be granted. Both the State of Washington and King County have similar positions and rules of construction.

## Potential Benefits

Creating the position of Code Reviser and establishing general rules of construction for the SMC will provide a more accurate and understandable municipal code. Moreover, the creation of this position will have a positive workload impact on Council Central Staff in that the position would have the authority to fix technical and typographical errors, fill in blanks, and generally edit and revise laws for presentation without changing their meaning.

Below are examples of legislation that would have been avoided had the code reviser position been in existence:

- [Ordinance \(ORD\) 125695 \(Admission Tax Correction ORD\)](#): Corrected (via Ordinance 125695) a clerical error identified in Ordinance 125672.
- [ORD 125262 \(Solid Waste Rates Fix ORD\)](#): Corrected (via Ordinance 125262) two ordinances amending SMC 21.76.040 that should have referred to the other's amendments.
- [ORD 125603 \(2018 Land Use Code \(LUC\) Omnibus ORD\)](#): Twelve of the omnibus's 94 sections corrected typographical errors and cross-references; clarified existing regulations; and made minor corrections.

If the proposed legislation is recommended for adoption by the Committee on August 6, 2019, Full Council could take action on August 12, 2019. Please let me know if you have any questions.

## Attachment(s):

1. Summary of Code Reviser Powers

cc: Kirstan Arestad, Executive Director

**Attachment 1: Summary of Code Reviser Powers (CB 119594)**

Proposed SMC Section or Subsection	Description
<p><b>1.03.020:</b> “Codify all laws of a general and permanent nature”</p>	<p>Current practice, but the proposed change allows for the codification without requiring legislation, or incorporation of any department fee schedules if requested.</p>
<p><b>1.03.020:</b> “Assign numbers and captions to each title and division of a title...or otherwise revise the organization of the code”</p>	<p>Section numbers and titles usually exist, but the Code Reviser could add or change them independently for better organization and clarity in the code.</p>
<p><b>1.03.030.A:</b> “Make capitalization and divisions of titles uniform in style”</p>	<p>If a capitalization error is discovered in the committee process, it could be flagged for the Code Reviser instead of requiring a technical amendment.</p>
<p><b>1.03.030.B:</b> “Substitute a specific code reference for “this ordinance...”</p>	<p>City could use the approach the State uses in drafting laws, leaving some section headings and numbering undefined if there’s a potential they might get moved around.</p>
<p><b>1.03.030.C:</b> “Substitute the proper calendar date for ‘effective date of this ordinance’”</p>	<p>Currently, the City uses the following language when incorporating regulations that apply only after or before a certain date: “the effective date of the ordinance introduced as Council Bill _____,” Prior to introduction or as a technical amendment the Council Bill number is inserted and sometimes updated if that code section is amended years later. The Code Reviser could insert the actual date before the law is codified and remove references to the effective date of the ordinance.</p>
<p><b>1.03.030.D:</b> “Strike out numerals where merely a repetition for words”</p>	<p>As Council considers legislation, legislation editors suggest amendments to correct the repetition of numerals. The proposed legislation would allow the Code Reviser to do a clean-up of the code to remove these errors.</p>
<p><b>1.03.030.E:</b> “[I]ncorporate omitted material, and correct clerical, typographical, spelling, and syntactic errors”</p>	<p>In addition to incorporating grammar/style edits, the Code Reviser could incorporate omitted material, such as amendments that were passed at Council but not properly integrated into the final bill.</p>
<p><b>1.03.030.F:</b> “Correct errors in citations to laws”</p>	<p>Prior research by the legislative editors identified a few hundred incorrect citations in the SMC. Not all can be corrected by the Code Reviser but renumbering in the RCW or WAC that are referenced in the SMC, as well as any incorrect SMC references, could be handled.</p>

Proposed SMC Section or Subsection	Description
<p><b>1.03.030.G:</b>  “Correct errors or omissions in numbering or renumbering parts of the code”</p>	<p>Typos are found in adopted legislation related to section numbering; the Code Reviser could correct those without requiring new legislation.</p>
<p><b>1.03.030.H:</b>  “Correct and update names of departments or other entities and titles of positions or officers”</p>	<p>Ordinance 124919, which split DPD into OPCD and SDCl, was mostly hundreds of pages of updating the department name, and if anything got missed, legislation would have been needed. When DCLU became DPD, the codifier was instructed by ordinance to rename everything, but they missed a couple dozen that were finally corrected in Ordinance 124919. Revising the SMC to refer to newly renamed city, state, and federal departments without an ordinance will allow Council and its Central Staff to focus on more substantive legislation.</p>
<p><b>1.03.030.I:</b>  “Divide”/ “consolidate”/ “reorder” the code</p>	<p>Modernizing definition sections (e.g., Traffic Code, where every definition has its own section number) would simplify the code.</p>
<p><b>1.03.030.J:</b>  “Strike and, if advisable, update obsolete provisions and cross-references”</p>	<p>The Code Reviser could remove “obsolete provisions” - most often would be provisions that have a sunset date.</p>
<p><b>1.03.050:</b>  Editor’s notes/reviser’s notes/annotations</p>	<p>If a section could benefit by an explanation, edit, or revision the Code Reviser is not authorized to make, the Code Reviser could place a reviser’s note near to the reference without interfering with the readability. In addition, there are several hundred editor’s notes throughout the SMC and case annotations that are outdated/unhelpful. The Code Reviser would be empowered to remove outdated reviser’s notes, editor’s notes, annotations, or similar material to or from the code and Charter as appropriate.</p>
<p><b>1.03.070:</b>  Code improvement</p>	<p>This would clarify that the Code Reviser may propose cleanup legislation to the Council when issues or opportunities for code simplification and clarity that are beyond the Code Reviser’s powers are identified.</p>