SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON THE ESTABLISHMENT AND OPERATION OF DISASTER MANAGEMENT FUND

Enactment No. 4066, Mar. 15, 2003
Partial Amendment No. 4254, Jan. 05, 2005
Amendment of Other Laws No. 4284, Jun. 16, 2005
Partial Amendment No. 4485, Mar. 08, 2007
Amendment of Other Laws No. 4593, Dec. 26, 2007
Amendment of Other Laws No. 4616, Apr. 03, 2008
Partial Amendment No. 4783, May. 28, 2009
Partial Amendment No. 4873, Nov. 11, 2009
Amendment of Other Laws No. 4908, Jan. 07, 2010
Amendment of Other Laws No. 5137, Jul. 28, 2011
Partial Amendment No. 5198, Oct. 27, 2011
Amendment of Other Laws No. 5208, Dec. 29, 2011
Partial Amendment No. 5505, May. 16, 2013
Partial Amendment No. 5737, Jul. 17, 2014
Amendment of Other Laws No. 5767, Dec. 11, 2014
Amendment of Other Laws No. 5864, May. 14, 2015
Amendment of Other Laws No. 6016, Oct. 08, 2015
Amendment of Other Laws No. 6429, Mar. 23, 2017
Partial Amendment No. 6522, May. 18, 2017
Amendment of Other Laws No. 7154, May. 16, 2019
Partial Amendment No. 7204, May. 16, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Amendment of Other Laws No. 7547, Mar. 31, 2020
Partial Amendment No. 7652, Jul. 16, 2020
Amendment of Other Laws No. 7782, Dec. 31, 2020
Amendment of Other Laws No. 7784, Dec. 31, 2020
Partial Amendment No. 7813, Dec. 31, 2020
Amendment of Other Laws No. 8127, Sep. 30, 2021
Amendment of Other Laws No. 8235, Dec. 30, 2021

Article 1 (Purpose)

The purpose of this Ordinance is to provide for matters necessary for the establishment and operation of the Seoul Metropolitan Government Disaster Management Fund in order to efficiently manage funds accumulated pursuant to Article 14 of the Disaster Relief Act, and Article 67 of the Framework Act on the Management of Disasters and Safety.

[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 2 (Establishment)

The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall establish the Seoul Metropolitan Government Disaster Management Fund (hereinafter referred to as the "Fund") in order to secure funds necessary for the prevention of disasters referred to in the items of subparagraph 1 of Article 3 of the Framework Act on the Management of Disasters and Safety (hereinafter referred to as the "Framework Act") and for prompt relief and recovery when a disaster occurs. <Amended by Ordinance No. 5505, May 16, 2013>

[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 3 (Classification of Funds)

The Fund shall be operated with funds classified into a disaster relief fund account (hereinafter referred to as the "Relief Account") and a disaster management fund account (hereinafter referred to as the "Disaster Account").

[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 4 (Creation)

(1) Funds of the Relief Account shall be created with the following financial resources: <Amended by Ordinance No. 5505, May 16, 2013>

1. Reserves of the Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government") under Articles 14 (1) and 15 of the Disaster Relief Act;

2. Earnings from the operation of funds in the Relief Account and other income.
(2) Funds of the Disaster Account shall be created with the following financial resources:
1. Reserves of the Seoul Government under Article 67 (1) and (2) of the Framework Act;
2. Earnings from the operation of funds in the Disaster Account and other income.
[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 5 (Purposes)

(1) Funds in the Relief Account shall be used for purposes referred to in the subparagraphs of Article 8 (1) of the Enforcement Decree of the Disaster Relief Act.
(2) Funds in the Disaster Account shall be used for purposes referred to in the following subparagraphs pursuant to Article 74 of the Enforcement Decree of the Framework Act: <Amended by Ordinance No. 5198, Oct. 27, 2011; Ordinance No. 5505, May 16, 2013; Ordinance No. 6429, Mar. 23, 2017; Ordinance No. 6522, May 18, 2017>
1. The following purposes among disaster prevention activities in the public sector for disaster and safety management:
(a) Research service projects necessary to prevent or reduce the occurrence of disasters;
(b) Projects for safety inspection, repair, and reinforcement of facilities (limited to facilities owned or managed by local governments) under Article 32 (2) of the Enforcement Decree of the Framework Act;
(c) Installation and management of safety facilities, such as warning signs for the prevention of accidents;
(d) Production of promotional materials concerning the prevention of disasters;
(e) Projects for fostering and supporting safety cultural activities and disaster response training exercises;
(f) Installation of facilities to prevent flooding in underground houses in low-lying areas;
(g) Installation, maintenance, and repair of river facilities, drain, hydrological observation facilities in retarding basins, etc.;
(h) Inspection of facilities vulnerable to disasters, disaster scenes, facilities that prevent disasters, etc., the purchase of equipment based on advice, allowances and expenses;
(i) Incidental expenses necessary to conduct affairs relating to the management of the Fund.
2. Repair and reinforcement of facilities that prevent disasters under Article 55 of the Enforcement Decree of the Countermeasures against Natural Disasters Act;
3. The following purposes among the installation, repair, and reinforcement of disaster forecasting and warning systems:
(a) Automatic rainfall warning systems, automatic voice communication systems, electronic disaster message display boards, and automatic warning systems in mountain valleys;
(b) Facilities that measure steep slopes likely to cause human loss and property damage.
4. The following purposes among emergency restoration of or emergency measures for disaster-damaged facilities (facilities owned or managed by local governments):
(a) Emergency restoration of and emergency measures for facilities damaged by flooding, storms, etc.;
(b) Projects to secure temporary water supply in areas damaged by regular droughts;
(c) Purchasing and hiring materials and shovels for removing snow (excluding the purchase of snow removal vehicles, the installation of wetted salt type snow removal systems, and management expenses for entrustment to the Seoul Facilities Corporation);
(d) Implementation of safety measures under the provision of Article 31 (4) of the Framework Act.
5. The following purposes among emergency rescue capability expansion projects:
(a) Emergency rescue capability, such as lifesaving and first aid, expansion projects;
(b) Purchasing special equipment necessary for emergency rescue;
(c) Purchasing buoyant safety devices.
6. Assistance in moving to rental houses and lending money for renting houses to residents who comply with an evacuation order or a deportation order under the provisions of Articles 40 through 42 of the Framework Act;
7. The following purposes among research and study for analysis of the causes of disasters, the mitigation of damage, etc.:
(a) Formulation of wind and flood damage mitigation plans, emergency action plans, and analysis and evaluation of disaster recovery programs;
(b) Analysis of the causes of disasters, survey of flood marks, and safety inspection of facilities subject to specific management;
(c) Collection of space image data of damaged areas, and aerial photogrammetry.
8. Emergency response and emergency recovery to prevent the dissemination of contagious diseases or contagious animal diseases, among disasters referred to in subparagraph 1 (c) of Article 3 of the Framework Act;
9. Assistance in counselling activities for psychological stability and social adjustment to disaster victims;
10. Other matters deemed necessary by the Mayor for emergency response to disasters and accidents.
[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 6 (Public Officials Who Manage Fund)

Public officials to manage the Fund shall be assigned as follows in order to efficiently manage and operate the Fund: Provided, That in order to increase transparency of procedures for paying operating expenses of the Fund, public officials related to accounting of a government office prescribed by the Seoul Metropolitan Government Rule on Financial Accounting shall be assigned as public officials who manage the Fund, and shall manage affairs relating to the act of causing expenditure (including contracting affairs) and payment orders, among affairs of public officials who manage the Fund: <Amended by Ordinance No. 4254, Jan. 5, 2005; Ordinance No. 4284, Jun. 16, 2005; Ordinance No. 4593, Dec. 26, 2007; Ordinance No. 4872, Nov. 11, 2009; Ordinance No. 5137, Jul. 28, 2011; Ordinance No. 5208, Dec. 29, 2011; Ordinance No. 5767, Dec. 11, 2014; Ordinance No. 5864, May 14, 2015; Ordinance No. 6016, Oct. 8, 2015; Ordinance No. 6522, May 18, 2017>

1. Officers who operate the Fund:

(a) Relief Account – Chief Officer of the Welfare Headquarters of the Seoul Government;

(b) Disaster Account - Director-General of the Water Circulation Safety Bureau of the Seoul Government.

2. Treasurers of the Fund – Deputy Director in charge of affairs relating to the Fund of each account.

[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 7 (Plan for Operation and Settlement of Accounts)

(1) Officers who operate the Fund shall formulate a plan for operation of the Fund by no later than 50 days before each fiscal year begins, and prepare a statement of accounts of the Fund within 80 days after the receipts and disbursements are closed.

(2) Where a plan for operation of the Fund is formulated under paragraph (1), an autonomous Gu's survey on demand concerning the use pursuant to Article 5 (2) shall be conducted. <Newly Inserted by Ordinance No. 6522, May 18, 2017>

(3) Officers who manage the Fund shall prepare a plan for operation of the Fund and a statement of accounts referred to in paragraph (1) for each account, and undergo deliberation by the Fund Operation Deliberation Committee under Article 13 of the Framework Act on the Management of Local Government Funds. <Amended by Ordinance No. 6522, May 18, 2017>

(4) The Mayor shall submit a plan for operation of the Fund and a statement of accounts of the Fund under paragraph (1) to the Seoul Government Council in each fiscal year along with a budget bill or written settlement of accounts concerning revenue and expenditure, respectively. <Amended by Ordinance No. 6522, May 18, 2017>

[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 8 (Establishment and Composition of Fund Operation Deliberation Committee)

(1) The Disaster Management Fund Operation Deliberation Committee of the Seoul Metropolitan Government (hereinafter referred to as the "Committee") shall be established to deliberate on the following matters concerning the management and operation of the Fund: <Amended by Ordinance No. 6522, May 18, 2017>

1. Matters concerning a draft plan for operation of the Fund and a statement of accounts of the Fund;

2. Matters concerning the alteration of expenditures of major items;

3. Other matters referred to the Committee by the chairperson in relation to the Fund;

4. Matters concerning deliberation criteria under Article 8 (1) 1 through 3.

(2) The Committee shall be composed of not exceeding 15 members including one chairperson and two vice chairpersons. <Amended by Ordinance No. 4872, Nov. 11, 2009>

(3) The Vice Mayor for Administrative Affairs shall become the chairperson, and the Director-General of the Water Circulation Safety Bureau and Chief Officer of the Welfare Headquarters shall be vice chairpersons, respectively. <Amended by Ordinance No. 6522, May 18, 2017>

(4) Persons commissioned by the chairperson from among those falling under any of the following shall become members of the Committee: <Amended by Ordinance No. 4783, May 28, 2009; Ordinance No. 4872, Nov. 11, 2009; Ordinance No. 5137, Jul. 28, 2011; Ordinance No. 5198, Oct. 27, 2011; Ordinance No. 6016, Oct. 8, 2015; Ordinance No. 6522, May 18, 2017>

1. An officer in charge of the budget, the director of the welfare policy division, the director of the road management division, the director of the river management division, and the director of the safety management division;

2. Members of the Seoul Metropolitan Council (hereinafter referred to as "Council members");

3. Other non-governmental experts who have professional knowledge in the fields related to the Fund.

(5) The chairperson shall preside over affairs of the Committee, represent the Committee, and convene meetings of the Committee, and where the chairperson is unable to perform any of his/her duties due to unavoidable circumstances, a vice chairperson appointed by the chairperson shall perform his/her duties on his/her behalf. <Amended by Ordinance No. 4872, Nov. 11, 2009; Ordinance No. 5505, May 16, 2013>

(6) The terms of office of commissioned members shall be two years, and they may only serve two consecutive terms: Provided, That the term of office of a member who fills a vacancy shall be the remainder of his/her predecessor' term. <Amended by Ordinance No. 4872, Nov. 11, 2009; Ordinance No. 5198, Oct. 27, 2011>

[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 8-2 (Exclusion, Challenge, Evasion, etc. of Members)

(1) Where a member falls under any of the following, he/she shall be excluded from deliberation on the relevant matter in order to ensure the fairness of deliberation:

1. Where the member has provided or is providing service or advice, or has conducted or is conducting research, etc. in relation to the relevant matter subject to deliberation;
2. Where the member has a direct interest in relation to the relevant matter subject to deliberation.

(2) Where a special ground exists making it difficult for a party interested in deliberation by the Committee to expect fairness from a member, the party interested in deliberation may file an application for challenge with the chairperson.

(3) Where a member himself/herself constitutes a reason under paragraph (1) or (2), he/she may evade from deliberation on such matter for himself/herself, and where the member files an application for evasion, the relevant member shall be excluded from deliberation on the relevant matter.

[This Article Newly Inserted by Ordinance No. 5737, Jul. 17, 2014]

Article 9 (Meetings)

(1) Meetings of the Committee shall be held by classifying them as regular meetings and extraordinary meetings.

(2) Regular meetings shall be held semiannually in order to formulate a master plan for operation of the Fund of the following year and prepare a statement of accounts of the Fund of the preceding year, and where the chairperson deems extraordinary meetings necessary, extraordinary meetings shall be held whenever required.

(3) The Committee shall hold meetings when a majority of the incumbent members attend meetings, and pass resolutions with the concurrent vote of a majority of the members present.

(4) In principle, the Committee shall hold meetings open to the public. <Newly Inserted by Ordinance No. 5505, May 16, 2013>

[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 10 (Executive Secretary, etc.)

(1) In order to conduct affairs of the Committee, the director of the welfare policy division shall be appointed as executive secretary for the Relief Account and the director of the river management division shall be assigned as executive secretary for the Disaster Account, and one secretary shall each be assigned to each account to assist each executive secretary; the deputy director in charge of the Fund in the welfare policy division and in the river management division shall become the secretary, respectively.

(2) Each executive secretary shall prepare and keep the minutes including the following matters when meetings of the Committee are held: <Amended by Ordinance No. 4872, Nov. 11, 2009>

1. Date, time, and venue of meetings;
2. Names of members who attend meetings;
3. Items discussed;
4. Results of deliberation;
5. Other matters the chairperson deems necessary.

[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 11 (Allowances, etc.)

Among the members of the Committee, the Committee shall pay an attendance allowance to members who attend meetings of the Committee within the budget, pay an examination allowance to members who review matters entrusted by the chairperson of the Committee in advance and report them to the Committee within the budget, and pay other allowances necessary for the operation of the Committee: Provided, That unless otherwise prescribed by other statutes and regulations, where any member falls under any of the following, he/she shall not be eligible to receive an allowance:

1. An attendance allowance where a public official belonging to the Seoul Government attends a meeting of the Committee as its member, and an examination allowance in cases where he/she reviews matters in advance and report them to the Committee;
2. An attendance allowance where a Council member attends a meeting of the Committee in the capacity of the Council member.

[This Article Wholly Amended by Ordinance No. 5198, Oct. 27, 2011]

Article 12 (Management of Fund)

(1) The Fund shall deposit and manage funds of each account in the City Treasury, and may deposit such funds in the Seoul Metropolitan Government Financial Investment and Loan Fund.

(2) Pursuant to Article 75(2) of the Enforcement Decree of the Framework Act, an amount not less than 15 percent of reserves under Article 4 (2) 1 among funds in the Disaster Account shall be managed as reserves, and the remaining amount of reserves and interest which accrues on reserves shall be used for purposes provided for in Article 5 (2). <Amended by Ordinance No. 5198, Oct. 27, 2011>

[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 13 (Terms of Loans)

The terms of a loan, such as an interest rate and redemption period, under Article 74 (6) of the Enforcement Decree of the Framework Act shall be prescribed by rule in consideration of the terms of a loan provided by another Fund, the open market rate, etc. <Amended by Ordinance No. 5198, Oct. 27, 2011; Ordinance No. 60168, Oct. 8, 2015>

[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]

Article 14 (Application Mutatis Mutandis)

(1) Matters not prescribed by this Ordinance concerning the operation of the Fund shall be governed by the Seoul Metropolitan Government Ordinance on Financial Management.

(2) Accounting management of the Fund shall be governed by the Seoul Metropolitan Government Rule on Financial Accounting.

[This Article Wholly Amended by Ordinance No. 4872, Nov. 11, 2009]