SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON THE OPERATION OF THE CITIZEN AUDIT-OMBUDSMAN COMMITTEE AND CITIZENS' AUDIT PETITION

Enactment No. 6007, Oct. 08, 2015
Partial Amendment No. 7035, Mar. 28, 2019
Amendment of Other Laws No. 7046, Mar. 28, 2019
Amendment of Other Laws No. 7156, May. 16, 2019
Amendment of Other Laws No. 7217, Jul. 18, 2019
Whole Amendment No. 7283, Sep. 26, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Partial Amendment No. 7776, Dec. 31, 2020
Partial Amendment No. 7906, Jan. 13, 2021
Amendment of Other Laws No. 7912, Mar. 25, 2021
Amendment of Other Laws No. 8127, Jan. 13, 2022

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONSThe purpose of this Ordinance is to provide for matters necessary for the establishment and operation of the Citizen Audit-Ombudsman Committee of the Seoul Metropolitan Government in order to monitor city administration and process grievance petitions pursuant to Article 5 of the Act on Public Sector Audits and Article 32 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission; and to process matters delegated to Municipal Ordinance with respect to residents' petitions for auditing pursuant to Article 16 of the Local Autonomy Act and Article 26 of the Enforcement Decree of the aforesaid Act and matters necessary for the enforcement thereof.

Article 2 (Definitions)

The terms used in this Ordinance shall be defined as follows:
1. The term "petitioner" means an individual, corporation, or organization that requests the Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government") to take a specific action;
2. The term "civil petition" means a matter for or against which a petitioner requests the Seoul Government to take a specific action or perform a specific act (hereinafter referred to as "matter subject to civil petition");
3. "Grievance petition" means a petition regarding a cause or event that violates a citizen's right or brings about inconvenience to, or a burden upon, a citizen, by an unlawful, unreasonable, or negative action (including a de facto action and an inaction; the same shall apply hereinafter) taken by the Seoul Government or an autonomous Gu of the Seoul Government (hereinafter referred to as "autonomous Gu") or by an unreasonable administrative system, among civil petitions;
4. "Non-governmental organization" means an organization registered with an administrative agency in accordance with the Assistance for Non-Profit, Non-Governmental Organizations Act;
5. "Public project" means a construction project, services, or the purchase of goods under any subparagraph of Article 17;
6. "Integrity pact" means an agrement made and performed by and between a business entity participating in the process of a tender for a public project or the execution or performance of a contract, and an ordering agency, on special conditions that, if a bribe is given or accepted between the parties, the qualification for participating in a tender be restricted, the contract be terminated, or other penalties be imposed.

CHAPTER II FORMATION AND OPERATION OF CITIZEN AUDIT-OMBUDSMAN COMMITTEE

Article 3 (Establishment and Formation of Citizen Audit-Ombudsman Committee)

CHAPTER II FORMATION AND OPERATION OF CITIZEN AUDIT-OMBUDSMAN COMMITTEE(1) In order to monitor city administration and conduct investigations and audits directly with regard to citizens' grievance petitions, the Citizen Audit-Ombudsman Committee (hereinafter referred to as the "Committee") shall be established in the form of a collegiate administrative agency under the direction of the Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor").
(2) The Committee shall be comprised of at least three but not more than seven citizen audit-ombudsmen.
(3) The position of chairperson of the Committee (hereinafter referred to as "Chairperson") shall be open to the public, and members of the Committee (hereinafter referred to as "Committee member") shall be appointed by the Mayor as part-time public officials for a fixed term.
(4) The term of office of each Committee member, including Chairperson, shall be three years but may be renewed consecutively.

Article 4 (Duties, Authority, etc. of Committee Members)

(1) Committee members shall monitor city administration from the position of citizens and protect rights and interests of citizens from illegal or unreasonable administrative actions.

(2) Each Committee member shall have the status of an independent investigator in conducting activities for audits and investigations under this Ordinance.

(3) Each Committee member shall have the following duties and authority:

1. To investigate and process grievance petitions and mediate or arbitrate in such petitions;
2. To monitor and evaluate public projects;
3. To conduct ex officio audits;
4. To investigate and process cases concerning citizen audits or resident audits requested;
5. To conduct an audit or investigation requested by the Seoul Metropolitan Council (hereinafter referred to as the "Seoul Council").

(4) Notwithstanding paragraph (1), none of the following matters shall be within the scope of duties and authority of Committee members:

1. Matters concerning the Seoul Council;
2. Matters pending in a proceeding for remedies under any other Act, such as administrative trial or litigation;
3. Matters under an audit by the Board of Audit and Inspection, the audit office of the Seoul Government, or any other administrative agency;
4. Matters under investigation by the public prosecution, the police, or any other investigative agency;
5. Matters pending in a proceeding conducted for the purpose of mediating interests of parties to a dispute under any statute, such as by compromise, intercession, mediation, or arbitration;
6. Matters concerning which the Audit Petition Review Committee of the Seoul Government holds it inappropriate for Committee members to conduct an audit.

Article 5 (Scope of Institutions within Jurisdiction of Committee Members)

The institutions over which Committee members may perform their duties and exercise their authority under Article 4, are as follows: Provided, That any audit on a case for which a resident audit has been requested shall be conducted in accordance with provisions of the Local Autonomy Act (hereinafter referred to as the "Act") and the Enforcement Decree of the afore-said Act (hereinafter referred to as the "Enforcement Decree"):

1. The head office and affiliated agencies of the Seoul Government;
2. Autonomous Gus (limited to administrative affairs delegated by the Seoul Government);
3. Local public enterprises and institutions established with funds invested or contributed by the Seoul Government;
4. Institutions with whom administrative affairs are entrusted by the Seoul Government and institutions (public or private institutions) subsidized by the Seoul Government.

Article 6 (Chairperson)

(1) The Chairperson shall administer all affairs of the Committee and lead and supervise employees of the Committee.

(2) If the Chairperson is unable to perform his/her duties in an extenuating circumstance, the most senior Committee member, based on the length of continuous service among Committee members, shall act on behalf of the Chairperson, but the most senior Committee member by age shall act on behalf of the Chairperson, if there are at least two Committee members whose length of continuous service are same: Provided, That, if a person is designated by the Chairperson in advance as an acting Chairperson, the designated Committee member shall act on behalf of the Chairperson among others.

(3) "Extenuating circumstance" means either of the following cases:

1. Where the office of chairperson becomes vacant;
2. Where the Chairperson is hospitalized continuously for at least 60 days in a medical institution defined by the Medical Service Act.

Article 7 (Qualification for Committee Members)

Committee members shall be invited openly from among the persons who meet any of the following criteria:

1. A person who has served as at least a Grade-IV public official in a local government or a central administrative agency or as at least Grade-V public official in auditing service for at least three years;
2. A licensed attorney-at-law, a certified public accountant, or a certified tax accountant, who has worked in the relevant field for at least five years;
3. A person who has served as at least associate professor in a related field, such as accounting, law, and public administration;
4. A person who has served as an associate or higher-ranking professor in a related field, such as civil engineering and architectural engineering;
5. A qualified professional engineer (or a qualified professional architect) who has worked in the relevant field for at least five years;
6. A person of good reputation in the society with abundant knowledge and experience and who has worked for a non-governmental organization for at least three years or who is recommended by a non-governmental organization.

Article 8 (Disqualification for Committee Members)

None of the following persons shall be qualified for a Committee member:

1. A person who falls within any of subparagraphs 1 through 6 of Article 31 of the Local Public Officials Act;
2. A person in whose case two years have not passed since he/she resigned or retired as a public official, executive officer, or employee of an institution subject to audit or investigation under Article 5;
3. A person in whose case three years (five years in cases of expulsion from office or resignation following a reprimand) have not passed since he/she was punished or reprimanded by suspension from office or heavier disciplinary measure (excluding a disciplinary measure or reprimand issued under subparagraph 5);
4. A person in whose case two years have not passed since he/she was punished or reprimanded by suspension from office or heavier disciplinary measure (excluding a disciplinary measure or reprimand issued under subparagraph 5);
5. A person punished by a disciplinary measure, reprimand, fine, or heavier penalty for an act specified in any of Articles 129 through 133, 355, and 356 of the Criminal Act.

Article 9 (Guarantee of Status of Committee Members)

(1) Except in any of the following cases, no Committee member's employment contract shall be terminated against his/her will during his/her term of office:

1. Where a Committee member is unable to continue service due to a physical or mental disorder;
2. Where a Committee member is punished by a disciplinary measure or is dismissed from office;
3. Where a Committee member voluntarily suspends his/her service;
4. Where a Committee member falls within any subparagraph of Article 8.

(2) In cases falling under paragraph (1) 1, a decision on termination shall require the concurring vote of at least two-thirds of current Committee members.

Article 10 (Committee Meetings)

(1) Each Committee meeting (hereinafter referred to as "meeting") shall be formed with all Committee members present and chaired by the Chairperson.

(2) The Chairperson shall call meetings, upon the request of a majority of current Committee members or where the Chairperson deems it necessary.

(3) A majority of current Committee members shall constitute a quorum at a meeting, and any resolution thereby shall require the concurring vote of a majority of those present.

Article 11 (Matters subject to Resolution by Committee)

(1) The following matters shall be subject to resolution at a meeting:

1. Plans for auditing or investigation;
2. Plans for monitoring and evaluating public projects;
3. Requests to take a disciplinary measure or give a reprimand;
4. Requests to issue an order to an accounting-related employee or any other person to make restitution;
5. Requests or advice to take corrective measures or make an improvement;
6. Reviews;
7. Requests concerning the organization or prescribed number of the secretariat of the Committee;
8. Requests for budgeting or settlement of accounts of the Committee;
9. Establishment, amendment, or repeal of operating regulations of the Committee;
10. Abstention by, or challenge against, a Committee member;
11. Other matters brought by the Chairperson for deliberation.

(2) Matters specified by operating regulations of the Committee as minor matters, among matters specified in paragraph (1) 5 and 6, shall be executed by the Chairperson.

Article 12 (Opportunities to Present Opinions)

The Committee may permit any public official, executive officer, or employee of a related institution, a petitioner, or stakeholder, to make statements or present materials with regard to an audit petition or a grievance petition.

Article 13 (Exclusion, Challenge, Voluntary Abstention)

(1) In any of the following cases, a Committee member shall be excluded from activities for performing his/her duties:

1. If the Committee member himself/herself is a party to the case subject to audit or investigation or has an interest in the case;
2. If a current or former relative of the Committee member subject to Article 777 of the Civil Act is involved in the case subject to audit or investigation;
3. If the Committee member has been involved in the case subject to audit or investigation in connection with his/her duty or occupation, such as service, consulting, or research;
4. If the Committee member has served as a witness or appraiser in a lawsuit or similar proceeding related to the case subject to

audit or investigation;
5. If the Committee member has been involved in the case subject to audit or investigation before he/she is appointed as Committee member;
6. If the Committee member has provided any service to the contractor of the project subject to monitoring and evaluation, served as an advisor for such contractor, or had or has a special relationship with the contractor.
(2) The head of the office implementing a public project may file a challenge against a Committee member with the Committee, if he/she has any ground to believe that it is unreasonable to expect impartiality from the Committee member in examination and resolution, and the Committee shall resolve thereon. In such cases, any Committee member subject to such challenge shall abstain involvement in such resolution.
(3) If a Committee member falls within any subparagraph of paragraph (1), he/she may voluntarily abstain from involvement in the case with approval of the Chairperson.

Article 14 (Secretariat, Employees, etc.)

(1) The Committee shall have a secretariat and employees for the secretariat (hereinafter referred to as "auditing officers"), and the Seoul Metropolitan Government Ordinance on the Establishment of Administrative Organs and the Seoul Metropolitan Government Ordinance on the Prescribed Number of Local Public Officials shall apply to the organization and the prescribed number of personnel.
(2) Auditing officers shall be appointed by the Mayor after hearing the Chairperson's opinion thereon.
(3) Auditing officers shall have expertise in auditing and the qualities necessary for performing their duties. The minimum criteria for the qualification for auditing officers shall be prescribed by regulations of the Committee.
(4) The appointing authority shall formulate a scheme for continuous, long-term service of auditing officers.

CHAPTER III CITIZEN AUDIT PETITIONS

Article 15 (Citizen Audit Petitions)

CHAPTER III CITIZEN AUDIT PETITIONS(1) Either of the following persons may file a petition for audit (hereinafter referred to as "citizen audit petition") with the Committee concerning administrative affairs performed by an institution specified in any subparagraph of Article 5 or by any employee of such institution:
1. The representative of at least 50 citizens aged at least 19 years who have jointly signed the petition;
2. The representative of a non-governmental organization (limited to an organization whose objective and scope of business are directly related to the case in the petition).
(2) Notwithstanding, none of the following matters shall be subject to a citizen audit petition:
1. A matter related to the Seoul Council;
2. A matter related to an administrative trial, a trial, or an investigation;
3. A matter related to a private right or effecting an individual's privacy;
4. A matter audited or being audited by any other institution: Provided, That the foregoing shall not apply where a new fact is found or an important fact was omitted in the previous audit, even if a matter has been audited by any other institution.
(3) A petitioner shall file an audit petition, stating the following facts in attached Form 1:
1. The name, date of birth, address, and contact information of the petitioner (the name of the organization, the location of its office, and the name, date of birth, and contact information of its representative, if the petitioner is an organization);
2. The purposes of the audit petition, the details of the audit petition, and relevant facts regarding the cause;
3. The name of the administrative agency involved in the audit petition and the name of the employee involved;
4. Whether there is any lawsuit or petition filed for any appellate proceeding for remedies under any other statute;
5. The selection of not more than three representatives, if at least two representatives are required, and personal information of such representatives.

Article 16 (Notice of Audit and Results thereof)

(1) Upon receipt of a citizen audit petition, Committee members shall determine whether to conduct an audit after deliberation and resolution thereon by the Committee and notify the petitioner of whether to conduct the audit.
(2) Where the Committee decides to conduct an audit, it shall finish the audit within 60 days from the date the decision is made and shall notify the petitioner of the results thereof: Provided, That, if there is a reasonable ground to conclude that it is impracticable to finish the audit by the deadline, the period may be extended, and the petitioner shall be notified of the extension.
(3) The Seoul Council may request the citizen audit-ombudsmen to conduct an audit or an investigation regarding a case where impartiality and objectiveness are particularly required; and Committee members shall conduct an audit or an investigation into the case as requested and shall notify the Seoul Council of the results thereof, upon conclusion.

CHAPTER IV MONITORING AND EVALUATION OF PUBLIC PROJECTS

Article 17 (Contracts subject to Monitoring and Evaluation)

CHAPTER IV MONITORING AND EVALUATION OF PUBLIC PROJECTSThe contracts for the following transactions shall be subject to monitoring and evaluation by Committee members through inspection of relevant documents, on-site inspection, etc. in the course of ordering, bidding, determining the successful bidder, concluding a contract, and performing the contract with regard to the projects selected by the Committee:

1. A construction project with a total cost of at least three billion won;
2. Service that costs at least 500 million won;
3. Purchase of goods worth at least 100 million won;
4. Other transactions that the Committee specifies as requiring monitoring and evaluation.

Article 18 (Submission of and Request for Documents)

(1) The head of each Office, Headquarters, or Bureau, the head of each subsidiary office, and the head of each City-invested or City-funded institution shall submit lists of construction projects with regard to contracts subject to monitoring and evaluation under Article 17, by not later than one month after the commencement of each fiscal year.

(2) The head of the office responsible for the operation of a committee, such as the Construction Technology Deliberation Committee or the Contract Deliberation Committee of the Seoul Government, shall submit documents for deliberation and time schedule in advance with regard to the public projects specified in Article 17.

(3) Committee members may request documents necessary for monitoring and evaluation in relation to integrity pacts.

CHAPTER V EX OFFICIO AUDIT

Article 19 (Ex Officio Audit)

CHAPTER V EX OFFICIO AUDIT(1) If Committee members conclude that it is necessary to conduct an audit in the course of investigating and processing a grievance petition or monitoring and evaluating public projects, they may conduct an audit following a resolution by the Committee.

(2) The Chairperson shall consult with the head of the audit office before the Committee adopts a resolution.

CHAPTER VI RESIDENT AUDIT PETITIONS AND AUDIT PETITION DELIBERATION COMMITTEE

Article 20 (Resident Audit Petitions)

CHAPTER VI RESIDENT AUDIT PETITIONS AND AUDIT PETITION DELIBERATION COMMITTEE(1) An audit petition filed with the Mayor with regard to an administrative affair within the scope of an autonomous Gu and its head under Article 16 of the Act (hereinafter referred to as "resident audit petition") shall be jointly signed by at least the number of residents specified by Municipal Ordinance of the relevant autonomous Gu.

(2) An audit petition filed with the relevant Minister with regard to an administrative affair within the scope of authority of the Seoul Government and the Mayor under Article 16 of the Act shall be jointly signed by at least 300 residents aged at least 19 years.

Article 21 (Establishment and Functions of Audit Petition Deliberation Committee)

(1) In order to deliberate and resolve on resident audit petitions, etc. under Article 26 of the Enforcement Decree, the Audit Petition Deliberation Committee of the Seoul Government (hereinafter referred to as the "Deliberation Committee") shall be established as an organ under the jurisdiction of the Mayor.

(2) The Deliberation Committee shall deliberate and resolve on the following matters:

1. Examination of requirements for resident audit petitions;
2. Verification of valid signatures on the lists of resident audit petitioners;
3. Examination of objections on signatures on the lists of resident audit petitioners and determination thereon;
4. Whether it is appropriate for the Committee to audit a case for which a resident audit petition has been filed.

Article 22 (Composition, etc. of Deliberation Committee)

(1) The Deliberation Committee shall be comprised of at least nine but not more than thirteen deliberators, including one chairperson and one vice chairperson of the Deliberation Committee.

(2) Deliberators shall be commissioned or appointed by the Mayor from among the following persons: Provided, That at least one-half of all deliberators shall be deliberators commissioned under subparagraphs 3 through 8, and three deliberators, including two members of the Seoul Council, shall be recommended by the Seoul Council:

1. The head of the audit office of the Seoul Government (he/she shall be an ex officio member);
2. Public officials of the Seoul Government, who serve as a Deputy Mayor, Director-General, or any higher-ranking officer;
3. Members of the Seoul Council recommended by the Seoul Council;
4. Judges, public prosecutors, and licensed attorneys-at-law;
5. Certified public accountants, certified professional engineers and architects, and certified tax accountants;
6. Persons recommended by non-governmental organizations (referring to the non-governmental organizations defined by Article 2

of the Assistance for Non-Profit, Non-Governmental Organizations Act;
7. Persons who serve as at least associate professor in law, accounting, civil engineering, or architectural engineering in a university;
8. Other persons who have abundant knowledge and experience in auditing.
(3) The chairperson and vice chairperson of the Deliberation Committee shall be elected by and from among deliberators.
(4) The term of office of the chairperson, vice chairperson, and deliberators of the Deliberation Committee shall be two years, respectively; but may be renewed consecutively only once: Provided, That the term of office of public officials of the Seoul Government and members of the Seoul Council shall coincide with the period of service in the relevant positions.
(5) The Mayor may dismiss a deliberator from office, if the deliberator wishes to be dismissed or is unable to perform his/her duties as a deliberator due to illness, long-term absence, indecent demeanor, or any other cause or event, and the term of office of a deliberator commissioned to fill the vacancy of a deliberator shall coincide with the remaining term of office of his/her predecessor.
(6) If any case for which a resident audit petition or a citizen audit petition has been filed, falls under either of the following cases, the relevant deliberator shall not be allowed to participate in deliberation and resolution on the case at issue:
1. A case related to an affair handled by the office to which the deliberator belongs;
2. A case in which the deliberator him/herself or any of his/her relatives has an interest.

Article 23 (Operation, etc. of Deliberation Committee)

(1) The chairperson of the Deliberation Committee shall convene and preside over Committee meetings.
(2) If the chairperson of the Deliberation Committee is unable to perform his/her duties due to an inevitable circumstance, the vice chairperson shall act on behalf of the chairperson, but the most senior deliberator by age shall act on behalf of the chairperson, if both the chairperson and vice chairperson are unable to perform their duties due to an extenuating circumstance.
(3) A majority of the current members of the Deliberation Committee shall constitute a quorum of a meeting, and any decision thereof shall require the concurring vote of a majority of those present.
(4) If the chairperson of the Deliberation Committee deems it necessary for efficiently processing items on the agenda of a Committee meeting, he/she may summon public officials involved, audit petitioners, and other stake-holders to attend the meeting and make oral statements or may request them to submit documents as necessary.
(5) If the chairperson of the Deliberation Committee deems it necessary for efficiently performing affairs of the Deliberation Committee, he/she may form and operate a subcommittee.
(6) The Deliberation Committee shall have one executive secretary who shall handle administrative affairs of the Deliberation Committee, and the head of the office responsible for the operation of the Deliberation Committee shall serve as executive secretary.
(7) The executive secretary shall carry out the following affairs and shall report major results of deliberation to the Mayor:
1. Affairs related to the operation of the Deliberation Committee;
2. Preparation of items on the agenda for deliberation and preparation and preservation of minutes of meetings;
3. Other affairs necessary for the operation of the Deliberation Committee.
(8) Allowances may be paid to deliberators who attend a meeting of the Deliberation Committee, but this shall not apply where a public official serving as a deliberator who attends a meeting of the Deliberation Committee in direct connection with an affair within the scope of the affairs assigned to him/her.

Article 24 (Prohibition of Disclosure of Confidential Information)

No person who attends a meeting of the Deliberation Committee shall disclose any confidential information which becomes known to him/her in the course of performing his/her duties.

CHAPTER VII MISCELLANEOUS

Article 25 (Citizen Volunteer Ombudsmen)

CHAPTER VII MISCELLANEOUS(1) The Committee may appoint experts from various fields, including women's welfare and urban safety, as citizen volunteer ombudsmen, in order to strengthen the functions of the Committee for auditing, investigating, and monitoring specialized areas and conducting investigations with regard to grievance petitions.
(2) The number of citizen volunteer ombudsmen shall not exceed 35 persons in total for seven fields: women's welfare; urban safety; industrial economy; living conditions; urban traffic (urban planning); education and culture; and general administration.
(3) Article 7 shall apply mutatis mutandis to the qualification for citizen volunteer ombudsmen: Provided, That the qualifications, etc. may be adjusted by the Committee, if necessary.
(4) The term of office of citizen volunteer ombudsmen shall be two years but may be renewed consecutively.
(5) Citizen volunteer ombudsmen shall be selected by the Committee, from among the persons recommended by non-governmental organizations, academia, and legal circles, or from among persons who meet specified criteria for qualification and file an application; and shall be commissioned by the Mayor.
(6) Citizen volunteer ombudsmen may participate in the Committee's activities of auditing, investigation, and monitoring, give

advice, present opinions, and make suggestions with regard to the improvement of systems for city administration in general, policies thereon, etc.

Article 26 (Citizens' Participation in Auditing, etc,)

(1) If Committee members deem it necessary for auditing or investigating any matter within the scope of their duties, they may invite ordinary applicants, petitioners, non-governmental organizations, experts for various fields, etc., other than citizen volunteer ombudsmen, to participate in auditing or investigation.
(2) Allowances, etc. may be paid to those who participated in auditing under paragraph (1), within budgetary limits.

Article 27 (Regulations of Committee)

The Committee may prescribe matters, etc. necessary for the enforcement of this Ordinance by regulations of the Committee following a resolution by the Committee.

Article 28 (Reporting)

Citizen audit-ombudsmen shall report the results of their activities by the end of June and the end of December each year, respectively, to the Mayor and the Seoul Council by not later than the end of July of the year and the end of January of the following year.

Article 29 (Application Mutatis Muntandis)

The Act on Public Sector Audits, the Enforcement Decree of the Act on Public Sector Audits, the Regulations on Administrative Inspection of Local Governments, the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission, and the Civil Petitions Treatment Act shall apply mutatis mutandis to the matters not prescribed by this Ordinance, among matters regarding audits.