

SEOUL METROPOLITAN COUNCIL RULE ON THE TREATMENT OF PETITIONS

Enactment No. 14, Jul. 24, 2008
Partial Amendment No. 17, Jan. 07, 2010
Partial Amendment No. 30, Sep. 21, 2017
Partial Amendment No. 38, Jan. 02, 2020

Article 1 (Purpose)

The purpose of this Rule is to prescribe matters necessary for efficiently reviewing and processing petitions submitted to the Seoul Metropolitan Council pursuant to Article 60 of the Enforcement Decree of the Local Autonomy Act. <Amended by Rule No. 30, Sep. 21, 2017>

Article 2 (Submission of Written Petitions)

(1) A written petition to be submitted shall include an attachment of a written opinion of a member of the Seoul Metropolitan Council (hereinafter referred to as "Council member") who introduces the petition pursuant to attached Form 1. <Amended by Rule No. 30, Sep. 21, 2017>

(2) The intent of and reason for a petition shall be described specifically in the written petition, and necessary materials for reference may be attached thereto.

Article 3 (Demand for Complement to Petition)

(1) Where a petition submitted to the Seoul Metropolitan Council (hereinafter referred to as the "Council") fails to meet requirements under Article 2, the Council may demand the petitioner to complement the petition submitted within a fixed period of not more than 15 days: Provided, That a written petition not including an attachment of a written opinion of a Council member introducing the petition may be processed by being classified as a document for a general civil petition. <Amended by Rule No. 30, Sep. 21, 2017>

(2) A demand for complement prescribed in paragraph (1) shall be made in writing: Provided, That this shall not apply where the petitioner otherwise requests.

Article 4 (Notification of Nonacceptance)

Where a petition falls under any of the following cases, the Chairperson of the Seoul Metropolitan Council (hereinafter referred to as the "Chairperson") shall not accept it. In such case, the Chairperson shall notify the relevant Council member introducing such petition and the petitioner, specifying grounds for such nonacceptance: <Amended by Rule No. 30, Sep. 21, 2017>

1. Where procedures for investigation, objection, or remedy are underway under other statutes, including audit and inspection, investigations, administrative appeals, mediation, and arbitration;
2. Where a petition is related to a false fact which causes any other person to receive a criminal disposition or disciplinary action, or which defames, libels, or slanders any State agency, etc.;
3. Where two or more petitions concerning the same subject matter are submitted, the one registered last;
4. Where the name or address, etc. of the petitioner is unclear, or the subject matter of such petition is ambiguous;
5. Where a petition is related to a conflict of rights between private persons or to the privacy of an individual.

Article 5 (Filing of Objection)

(1) Where a petition is not accepted pursuant to subparagraph 3 of Article 4, the petitioner may file an objection via the Council member introducing such petition within 15 days from the day of receipt of a notification of nonacceptance.

(2) Where an objection filed under paragraph (1) is deemed well-founded, the Chairperson shall accept the relevant petition. Article 6 (Reviewing and Processing Petitions)

The competent standing committee (hereinafter referred to as the "committee") shall report to the Chairperson the result of review of a petition filed with him for review within 60 days from the day of filing of such petition, except in extenuating circumstances; and if the review is not completed within such period, it may submit an interim report of the review to the Chairperson and then require the extension of the period of review.

Article 6 (Reviewing and Processing Petitions)

The competent standing committee (hereinafter referred to as the "committee") shall report to the Chairperson the result of review of a petition filed with him for review within 60 days from the day of filing of such petition, except in extenuating circumstances; and if the review is not completed within such period, it may submit an interim report of the review to the Chairperson and then require the extension of the period of review.

Article 7 (Statements of Petitioner)

If deemed necessary for the review of a petition, the plenary session or the committee may listen to the statements or opinions of the petitioner, interested persons, and persons with knowledge and experience in related fields. In such cases, the Seoul Metropolitan Council Ordinance on the Payment of Expenses for Council Activities, Etc. of the Members of the Council shall apply

mutatis mutandis to paying travel expenses and daily allowances to such interested persons and persons with knowledge and experience, excluding such petitioner.

Article 8 (Exclusion and Refrainment)

- (1) Where a Council member has a direct interest in a petition or has an obvious ground to undermine fairness in a petition, he or she may not participate in reviewing such petition or adopting a resolution thereon.
- (2) Where deemed any ground referred to in paragraph (1) exists, the plenary session or the committee shall not allow the relevant Council member to participate in reviewing the petition and adopting a resolution thereon and shall request any other Council member to participate therein.
- (3) If the relevant Council member objects to the measure referred to in paragraph (2), such objection shall be processed by resolution in the plenary session.
- (4) Where a Council member has any ground referred to in paragraph (1), he or she may refrain from participating in reviewing such petition or adopting a resolution thereon with permission of the plenary session or the committee.

Article 9 (Petitions Not Referred to Plenary Session for Review)

Where a petition falls under any of the following cases, the committee shall adopt a resolution not to refer it to the plenary session for review: <Amended by Rule No. 30, Sep. 21, 2017>

1. Where the purpose of the petition is achieved by either agreeing on measures by a State agency or local government or concluding the agreement of the interested parties;
2. Where the intent of the petition is well-founded, but the petition is infeasible in terms of budget, etc.;
3. Where the intent of the petition is unreasonable, including cases where it violates policies of a State agency or local government.

Article 10 (Report of Review)

Where the committee intends to refer a petition to the plenary session for review pursuant to Article 75 of the Local Autonomy Act, it shall decide on the petition as classified in the following, and report such decision, attaching its opinion thereto:

1. A petition to be processed by the Mayor of the Seoul Metropolitan Government;
2. A petition to be processed by the superintendent of education;
3. A petition to be processed by the Council.

Article 11 (Notification of Petitioner and Council Member)

The Chairperson shall notify the petitioner and the Council member introducing the petition of the following: <Amended by Rule No. 30, Sep. 21, 2017>

1. Where the petition is referred to the committee;
2. Where the committee decides that it is unnecessary to refer the petition to the plenary session, and reports to the Chairperson on the review of such petition;
3. Where the plenary session decides on the petition;
4. Where the result of processing the petition transferred to the Mayor of the Seoul Metropolitan Government is reported;
5. Where the result of processing the petition transferred to the superintendent of education is reported;
6. Where the petition falling under subparagraph 3 of Article 10 is processed.

Article 12 (Withdrawal of Petition)

Where intending to withdraw a petition, the petitioner shall submit to the Chairperson a written request for withdrawal of the petition on attached Form 2, signed and sealed by the petitioner and the Council member introducing the petition.

Article 13 (Withdrawal of Introduction and Validity of Petition)

Where a petition is accepted, its validity shall not be affected even though the Council member who introduced the petition withdraws the introduction thereof.

Article 14 (Disciplinary Action)

Where a Council member to participate in reviewing a petition and adopting a resolution thereon fails to refrain from such participation, being aware that a ground for exclusion prescribed in Article 8 exists, such member may receive a disciplinary action, as prescribed by the Local Autonomy Act and the Seoul Metropolitan Council Meeting Rule.

ADDENDA

- (1) (Enforcement Date) This Rule shall enter into force on the date of its promulgation.
- (2) (Repeal Provision) Seoul Metropolitan Council Regulations on Treatment of Petition (Established Rule No. 7) shall be repealed as at the time this Rule enters into force.

ADDENDUM <Rule No. 17, Jan. 7, 2010>

This Rule shall enter into force on the date of its promulgation.

ADDENDUM <Rule No. 30, Sep. 21, 2017>

This Rule shall enter into force on the date of its promulgation.

ADDENDUM <Rule No. 33, Jan. 2, 2020>

This Rule shall enter into force on the date of its promulgation.