SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON OPERATION OF CITIZEN PARTICIPATORY BUDGET SYSTEM

Enactment No. 5296, May. 22, 2012
Partial Amendment No. 5480, May. 16, 2013
Partial Amendment No. 5670, Mar. 20, 2014
Partial Amendment No. 6091, Jan. 07, 2016
Partial Amendment No. 6220, May. 19, 2016
Amendment of Other Laws No. 6386, Jan. 05, 2017
Partial Amendment No. 6440, Mar. 23, 2017
Partial Amendment No. 6568, Jul. 13, 2017
Amendment of Other Laws No. 7217, Jul. 18, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Partial Amendment No. 7601, Jul. 16, 2020

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONSThe purpose of this Ordinance is to enhance transparency and democracy of the budget of the Seoul Metropolitan City by ensuring citizen participation in the budgeting processes of the City pursuant to Article 39 of the Local Finance Act and Article 46 of the Enforcement Decree of the same Act and to provide for matters necessary for revitalizing participatory democracy. <Amended by Ordinance No. 5480, May 16, 2013; Ordinance No. 6568, Jul. 13, 2017>

Article 2 (Definitions)

(1) "Citizen" in this Ordinance means any of the following persons: <Amended by Ordinance No. 6568, Jul. 13, 2017>
1. A person domiciled in the Seoul Metropolitan City (hereinafter referred to as the "City");
2. A person who works for an institution in the City's jurisdiction;
3. A representative, executive, or employee of a corporation which has its headquarters or branch office in the City;
4. A student of a school located in the City under the Elementary and Secondary Education Act and the Higher Education Act and those equivalent thereto.
(2) Notwithstanding paragraph (1), public officials of the Seoul Metropolitan City and an autonomous Gu and any other person who works for a City-funded institution or City-invested institution (hereinafter referred to as the "public officials") shall be excluded from citizens. <Amended by Ordinance No. 6568, Jul. 13, 2017>
[Wholly Amended by Ordinance No. 5670, Mar. 20, 2014]

Article 3 (Basic Ideology)

The basic ideology of the participatory budget system is to improve the welfare and quality of lives of citizens, realize fiscal democracy by ensuring transparency and democracy of fiscal management, and activate participatory democracy. <Amended by Ordinance No. 6568, Jul. 13, 2017>

Article 4 (Authority to Observe Statutes)

No process and method for citizen participatory budgeting under this Ordinance shall violate the Local Autonomy Act, the Local Finance Act, and other statutes related to budget compilation of local governments. <Amended by Ordinance No. 6568, Jul. 13, 2017>

Article 5 (Duties of Mayor)

(1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall endeavor to disclose information and guarantee citizen participation for citizens to obtain enough information and have opportunities to present their opinions at the stage of budget compilation. <Amended by Ordinance No. 6568, Jul. 13, 2017>
(2) The Mayor shall explore methods for mutual cooperation of the Citizen Participatory Budgeting Committee and the Seoul Metropolitan Council (hereinafter referred to as the "City Council"). <Amended by Ordinance No. 5480, May 16, 2013; Ordinance

No. 6568, Jul. 13, 2017>
(3) The Mayor shall disclose details of budget compilation in which citizens have participated and reflected in the budgeting process. <Amended by Ordinance No. 5480, May 16, 2013; Ordinance No. 6568, Jul. 13, 2017>

Article 6 (Scope of Citizen Participatory Budgeting)

The scope of opinions to be submitted by citizens during the budgeting process shall cover the total budget and funds of the pertinent year. <Amended by Ordinance No. 5480, May 16, 2013; Ordinance No. 6568, Jul. 13, 2017>

Article 7 (Rights of Citizens)

Any citizen may submit his/her opinion on budget compilation of the City within the scope prescribed by this Ordinance. <Amended by Ordinance No. 6568, Jul. 13, 2017>

CHAPTER II FORMULATION OF OPERATION PLAN AND COLLECTION OF OPINIONS

Article 8 (Public Notice, etc. on Formulation of Operation Plan)

CHAPTER II FORMULATION OF OPERATION PLAN AND COLLECTION OF OPINIONS(1) The Mayor shall formulate a citizen participatory budget operation plan before budget compilation and publicly announce this plan on the website, etc. for at least 20 days. <Amended by Ordinance No. 6568, Jul. 13, 2017>
(2) A citizen participatory budget operation plan pursuant to paragraph (1) shall comprehensively prescribe direction-setting for budget compilation, plans for explanation, education, public relations, and debate on the budget of the City, education plans for members of the Citizen Participatory Budget Committee and public officials, and procedures and methods for collecting citizens' opinions. <Amended by Ordinance No. 6568, Jul. 13, 2017>

Article 9 (Procedures, etc. for Collecting Opinions)

(1) The Mayor may hold briefing sessions, public hearings, and discussions, etc. to gather consensus on budget compilation from citizens. <Amended by Ordinance No. 6568, Jul. 13, 2017>
(2) If necessary, the Mayor may gather consensus of citizens and organizations on major projects in writing or through online survey and public offering for the projects. <Amended by Ordinance No. 6440, Mar. 23, 2017; Ordinance No. 6568, Jul. 13, 2017>

Article 10 (Submission of Opinions)

Any person who intends to submit opinions on budget compilation of the City shall submit them in accordance with the citizen participatory budget operation plan formulated by the Mayor pursuant to Article 8. <Amended by Ordinance No. 6568, Jul. 13, 2017>

Article 11 (Making Public Notice of Outcomes)

The Mayor may make public of the outcomes of opinions collected from citizens submitted under Article 10 on the website, etc. <Amended by Ordinance No. 6568, Jul. 13, 2017>

Article 12 (Provision of Information)

In order to encourage citizen participation, the Mayor may provide citizens with sufficient information on the budgeting process, such as budget compilation, execution, and settlement, etc., methods for citizen participation, and operation of the citizen participatory budget system, etc. by actively involving in explanation, education, public relations, and discussion on the budget of the City. <Amended by Ordinance No. 6568, Jul. 13, 2017>

CHAPTER III REGIONAL CITIZEN PARTICIPATORY BUDGETING MEETINGS

Article 13 (Organization and Operation)

CHAPTER III REGIONAL CITIZEN PARTICIPATORY BUDGETING MEETINGSThe Mayor may establish regional citizen participatory budgeting meetings (hereinafter referred to as the "regional meetings") by autonomous Gu in order to collect opinions of citizens: Provided, That a resident participatory budget committee is established and operation at an autonomous Gu, this shall be construed as a regional meeting. <Amended by Ordinance No. 6568, Jul. 13, 2017>

Article 14 (Functions)

A regional meeting shall collect projects suggested by citizens of each autonomous Gu and prioritize such projects; and submit the outcomes to the citizen participatory budget committee by the end of July. <Amended by Ordinance No. 6220, May 19, 2016; Ordinance No. 6568, Jul. 13, 2017>

CHAPTER IV CITIZEN PARTICIPATORY BUDGET COMMITTEE

Article 15 (Composition of Committee)

CHAPTER IV CITIZEN PARTICIPATORY BUDGET COMMITTEE(1) A Citizen Participatory Budget Committee (hereinafter referred to as the "Committee") shall be established to encourage citizen participation in a budgeting process. <Amended by Ordinance No. 6568, Jul. 13, 2017>

(2) The Committee shall be comprised of up to 300 members, including one chairperson and one vice chairperson. <Amended by Ordinance No. 5480, May 16, 2013; Ordinance No. 6440, Jul. 23, 2017>

(3) Members pursuant to paragraph (2) shall be selected based upon gender and age equality.

(4) Members of the Committee shall be commissioned from among any of the following persons, and those pursuant to subparagraph 1 shall comprise at least 4/5 of the total members. <Amended by Ordinance No. 5480, May 16, 2013; Ordinance No. 6440, Mar. 23, 2017; Ordinance No. 6568, Jul. 13, 2017>

1. Any citizen who wishes to joint the Committee and is selected through random draw after completing courses at a budget school;
2. Deleted; <by Ordinance No. 6568, Jul. 13, 2017>
3. Deleted; <by Ordinance No. 5480, May 16, 2013>
4. Any person recommended by the City Council;
5. Any expert in a field of municipal government, recommended by the Mayor.

(5) When persons pursuant to subparagraph 4 through 5 are recommended, the youth, the disabled, and multicultural families, etc., shall be guaranteed the right to participate. <Amended by Ordinance No. 6568, Jul. 13, 2017>

(6) Any person pursuant to subparagraphs (4) 4 and 5 may be commissioned after completing courses of budgeting pursuant to Article 25 (10). <Newly Inserted by Ordinance No. 6440, Mar. 23, 2017>

Article 16 (Commissioning, Dismissal, and Term of Office for Members)

(1) Deleted. <by Ordinance No. 6440, Mar. 23, 2017>

(2) The term of office for members shall be one year, and their term may be renewed for only one further term. <Amended by Ordinance No. 6440, Mar. 23, 2017>

(3) The Mayor dismiss any of the following members from office even before the term of office of such members ends: <Amended by Ordinance No. 6568, Jul. 13, 2017>

1. If he/she becomes unable to perform his/her duties due to a disease that requires long-term treatment; overseas travel exceeding six months, etc.;
2. If he/she voluntarily wishes to be dismissed;
3. If he/she engages in activities, contrary to the purpose of operation, principles, goals, functions, etc. of the Committee;
4. If he/she is found incompetent on the ground of neglecting duty, misdemeanor or any other cause.

(4) The term of office for members shall start from March 1 every year and end at the end of February next year.

Article 17 (Chairperson and Secretary)

(1) The Committee shall have a chairperson and a secretary. <Amended by Ordinance No. 5480, May 16, 2013; Ordinance No. 6568, Jul. 13, 2017>

(2) The chairperson shall be elected from among the chairperson of the public-private budget council and the head of the working division. <Amended by Ordinance No. 6568, Jul. 13, 2017>
(3) A new chairperson shall be elected at each general meeting, who shall administer the affairs of the general meeting. <Amended by Ordinance No. 6568, Jul. 13, 2017>
(4) The secretary shall be the head of the department in charge of managing the citizen participatory budget system. <Amended by Ordinance No. 6568, Jul. 13, 2017>
(5) Deleted. <by Ordinance No. 6568, Jul. 13, 2017>
(6) The secretary shall conduct the affairs of the Committee.

Article 18 (Operation Principles)

The Committee shall be operated under any of the following principles: <Amended by Ordinance No. 6568, Jul. 13, 2017>
1. It shall contribute to improving welfare of citizens and creating a local community;
2. It shall guarantee participation of citizens and realize financial autonomy;
3. It shall encourage autonomous operation of the public-private budget council and working divisions;
4. It shall endeavor to nurture and develop the Committee soundly;
5. It shall prevent the Committee from being used for political and/or private purposes;
6. It shall not violate any of the rights of the City Council to deliberate on budgets; and shall be operated within the scope of the Mayor's rights for budget compilation.

Article 19 (Functions)

The Committee shall perform any of the following functions and submit the outcomes of deliberation and determination pursuant to Article 5 to the Mayor. <Amended by Ordinance No. 6220, May 19, 2016; Ordinance No. 6440, Mar. 23, 2017; Ordinance No. 6568, Jul. 13, 2017>
1. Submitting opinions on mid- to long-term budget compilation and budgeting for mega investment projects;
2. Holding fields visits, public hearings, or discussion, etc. to collect citizens' opinions;
3. Submitting opinions on budget compilation;
4. Submitting projects suggested by regional meetings or citizens to the public-private budget council for deliberation;
5. Deliberating on, mediating, or determinating opinions of citizens, regional meetings, public-private budget council, and other working divisions;
6. Holding general meetings and working subcommittee meetings and participating in the public-private budget council;
7. Presenting mediated opinions on a draft budget;
8. Participating in explanatory sessions for settlement
9. Evaluating projects of the Committee;
10. Other activities necessary for achieving the goals of the Committee.

Article 20 (Subcommittees)

(1) through (8) Deleted. <by Ordinance No. 6440, Mar. 23, 2017>

Article 21 (General Meetings)

(1) The Committee shall hold general meetings and submit the outcomes of mediation on a budget compilation draft.
(2) A general meeting shall be convened with the majority of members and any decision thereof shall require the concurring vote of a majority of those present.
(3) Notwithstanding paragraph (2) and subparagraph 5 of Article 19, opinions of general citizens may be reflected on the process of making decisions in the general meeting. The procedures and methods for citizen participation in decision making during the general meeting may be otherwise prescribed by Article 8 (2). <Amended by Ordinance No. 5670, Mar. 20, 2014; Ordinance No. 6568, Jul. 13, 2017>
(4) Any non-member who wishes to speak at a general meeting shall take a necessary procedure for obtaining the right to speak, from the chairperson; such procedure shall be prescribed by the Committee. <Amended by Ordinance No. 5670, Mar. 20, 2014>
(5) Mediated opinions on a budget compilation draft passed at a general meeting shall be submitted to the Seoul Metropolitan Council accompanied by a budget draft.

Article 22 (Convocation of Meetings)

(1) The chairperson shall convene meetings of the Committee and working division, if he/she deems it necessary for budgeting. <Amended by Ordinance No. 6440, Mar. 23, 2017>
(2) If deemed necessary to gather members' consensus, the Mayor may ask to convene a meeting of the Committee and working division. <Amended by Ordinance No. 6440, Mar. 23, 2017>
(3) Deleted. <by Ordinance No. 6568, Jul. 13, 2017>

Article 23 (Principles for Disclosure of Meeting Minutes)

The Committee shall disclose meeting minutes. Except as otherwise expressly provided for in Article 9 (1) of the Official Information Disclosure Act, the Committee shall disclose its minutes stating the dates and times of meetings, agendas for deliberation, names and remarks of members present and details of resolution, etc. on the website of the City.

Article 24 (Submission of Documents and Cooperation)

(1) The Mayor shall submit agendas for deliberation to the Committee or its members at least one week before the commencement of a meeting to allow them to fully pre-review the agenda.
(2) If deemed necessary to perform its duties, the Committee may require relevant public officials or experts to attend its meetings and present their opinions; or may ask them to submit necessary document.
(3) If deemed necessary to perform its duties, the Committee shall hold policy discussion sessions and public hearings, etc. to hear opinions of relevant experts and citizens. <Amended by Ordinance No. 6568, Jul. 13, 2017>

CHAPTER V CITIZEN PARTICIPATORY BUDGET SUPPORT COUNCIL

Article 25 (Composition and Operation)

CHAPTER V CITIZEN PARTICIPATORY BUDGET SUPPORT COUNCIL(1) The Mayor shall establish and operate a Citizen Participatory Budget Support Council (hereinafter referred to as the "Council") to facilitate implementing this Ordinance. <Amended by Ordinance No. 6568, Jul. 13, 2017>
(2) The Council shall comprise up to 25 members, including members of the City Council, experts in budget, relevant persons from non-profit organization, persons recommended by the Citizen Participatory Budget Committee, and relevant public officials; and the number of public officials shall not exceed 1/2 of the total members. <Amended by Ordinance No. 6440, Mar. 23, 2017; Ordinance No. 6568, Jul. 13, 2017>
(3) The term of office for members who are not public officials shall be two years, and their term may be renewed for only one further term: Provided That, the term of office of a member filling a vacancy shall be the remainder of his/her predecessor's term of office. <Newly Inserted by Ordinance No. 6220, May 19, 2016>
(4) The Council shall have one chairperson, one vice chairperson, and one secretary. <Amended by Ordinance No. 6220, May 19, 2016>
(5) The chairperson and vice chairperson shall be elected from among members of the Council. The secretary shall be the chief official in charge of the operation of the City's citizen participatory budget system and the Council may have a civilian executive secretary. <Amended by Ordinance No. 6220, May 19, 2016; Ordinance No. 6386, Jan. 5, 2017; Ordinance No. 6568, Jul. 13, 2017>
(6) The term of office for the chairperson and vice chairperson of the Council shall be one year: Provided That, the term of office of the chairperson, vice chairperson, and members filling a vacancy, shall be the remainder of his/her predecessor's term of office. <Amended by Ordinance No. 6220, May 19, 2016>
(7) The chairperson of the Council shall administer the affairs of the Council and represent the Council. <Amended by Ordinance No. 6220, May 19, 2016>
(8) The vice chairperson of the Council shall assist the chairperson of the Council, and when the chairperson is unable to perform his/her official duties in inevitable circumstances, the vice chairperson shall act on his/her behalf. <Amended by Ordinance No. 6220, May 19, 2016>
(9) The secretary shall conduct the affairs of the Council. <Amended by Ordinance No. 6220, May 19, 2016>
(10) The Council shall operate a budget school to provide citizens with education for budget. <Amended by Ordinance No. 6220, May 19, 2016; Ordinance No. 6568, Jul. 13, 2017>

(11) Fees for lecturers and teaching materials of the budget school shall be applied mutatis mutandis by the Standards for Faculty Fees and the Standards for Writing Teaching Materials and Providing Faculty Fees of the Seoul Human Resource Development Center. <Amended by Ordinance No. 5480, May 16, 2013; Ordinance No. 6220, May 19, 2016>

Article 26 (Convocation of Meetings and Resolution)

The chairperson of the Council shall convene a meeting when necessary for the citizen participatory budget system. <Amended by Ordinance No. 6568, Jul. 13, 2017>

Article 27 (Functions)

The Council shall conduct any of the following functions: <Amended by Ordinance No. 6568, Jul. 13, 2017>

1. Suggesting opinions on the enactment and amendment of the operation ordinance and rule on the citizen participatory budget system;
2. Activities related to education on budgeting; public relations on the participatory budget system; and holding discussions and public hearings on budget;
3. Supporting activities for overall operation of the participatory budget system, such as holding of regional meetings and the Citizen Participatory Budget Committee;
4. Facilitating cooperation with the City Council;
5. Formulating methods for evaluating and improving the participatory budget system;
6. Other activities necessary to achieve goals of the Council.

CHAPTER VI ASSISTANCE, ETC.

Article 28 (Financial and Business Assistance)

CHAPTER VI ASSISTANCE, ETC.(1) The Mayor may provide administrative assistance, such as meeting venues and handling administrative affairs, to facilitate operation of the citizen participatory budget system. <Amended by Ordinance No. 6568, Jul. 13, 2017>

(2) The Mayor may subsidize expenses incurred in activities, etc. of the Committee, the Council, and the public-private budget council. <Amended by Ordinance No. 6440, Mar. 23, 2017>

(3) The Mayor may reimburse actual expenses within budgetary limits to members who attend meetings of the Committee, the Council, or the public-private budget council and who travel on business for official duties pursuant to Seoul Metropolitan Government Ordinance on Travel Expenses of Public Officials and the Enforcement Decree of the same Ordinance. 0

Article 29 (Enforcement of Rule)

Matters necessary for enforcing this Ordinance shall be prescribed by rule. <Amended by Ordinance No. 6568, Jul. 13, 2017>