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

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CHAPTER 1. GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER 1. GENERAL PROVISIONSThe purpose of this Ordinance is to define matters required to establish and operate the Citizen Audit Ombudsman Committee of the Seoul Metropolitan Government to monitor the city administration and investigate grievance petitions under 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 matters delegated to the Ordinance with regard to Resident Audit Petitions and matters required for its enforcement under Article 16 of the Local Autonomy Act and Article 26 of the Enforcement Decree thereof.

Article 2 (Definitions)

1. "Grievance petition" means civil petition for grievance under Article 2.1.b of the Civil Petitions Treatment Act;
2. "Civil society organization" means any organization registered with the central administrative agency or local government under Article 4.1 of the Assistance for Non-Profit, Non-Governmental Organizations Act;
3. "Public project" means construction, service, and purchase performed by the agency under any of the subparagraphs in Article 8; and
4. "Integrity contract compliance" means complying with an integrity pledge under Article 6-2 of the Act on Contracts to which a Local Government is a Party.

CHAPTER 2. ORGANIZATION AND OPERATION OF THE CITIZEN AUDIT OMBUDSMAN COMMITTEE

Article 3 (Establishment and Function of the Citizen Audit Ombudsman Committee)

CHAPTER 2. ORGANIZATION AND OPERATION OF THE CITIZEN AUDIT OMBUDSMAN COMMITTEE The Citizen Audit Ombudsman Committee of the Seoul Metropolitan Government (hereinafter referred to as the "Committee"), a collegial administrative agency, shall be established under the Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") to monitor the city administration, investigate grievance petitions, and conduct audits requested by Resident Audit Petitions.

The Committee shall resolve any of the following matters:

1. Planning and outcome of audit, investigation, and public project monitoring and evaluation;
2. Requests for discipline, disciplinary penalties, censure, and reimbursement orders;
3. Requests, recommendations, and opinions for improving the city administration and systems;
4. Active administration indemnity and re-review;
5. Requests for the organization and personnel quota of the secretariat of the Committee;
6. Budget requests and account closing for the Committee;
7. Establishment, amendment, and abolishment of the operational rules of the Committee;
8. Matters related to the recusal and abstinence of Committee Members;
9. Whether to conduct an audit requested by a Citizen Audit Petition; and
10. Other matters deemed necessary to resolve in a meeting by the Chair.

Despite the foregoing , minor matters from Articles 3..1 to 3..4 defined in the operational rules of the Committee may be resolved by the Chair or Members ex officio.

Article 4 (Organization of the Citizen Audit Ombudsman Committee)

The Citizen Audit Ombudsman Committee shall consist of three to seven members (hereinafter referred to as the "Committee Chair and Members").

The one who is recognized as having professionalism for the business of the Committee among those who meet qualification requirements under the Decree of the Appointment of Local Public Officials and other applicable laws shall be appointed as the Committee Chair (hereinafter referred to as the "Chair") as an open position, and those who meet any of the following requirements shall be appointed as Committee Members (hereinafter referred to as "Members") as a part-time public official with a fixed term:

1. Those who served as a public official of at least Grade 4 at the local government or central administrative agency and as a public official of at least Grade 5 in audit for no less than 4 years;
2. Those who are licensed as a lawyer, judicial scrivener, accountant, or tax accountant with experience of no less than 4 years in their respective field;
3. Those who served as an associate professor or higher-level position in relevant fields such as accounting, law, and public administration;
4. Those who served as an associate professor or higher-level position in relevant fields such as civil engineering and architecture;
5. Those who are certified as an engineer (including architect) with experience of no less than 4 years in their respective field; and
6. Those who worked as the head of a civil society organization or department with full-time experience of no less than 4 years;

The term of Members including the Chair shall be three (3) years, and they shall not be re-appointed for an additional term.

Article 5 (Disqualification of Citizen Audit Ombudsmen)

1. Those subject to any of the subparagraphs of Article 31 of the Local Public Officials Act and any of the subparagraphs of Article 15.1 of the Act on Public Sector Audits; and
2. Public officials of an agency subject to audit and investigation under Article 8, who retired less than 2 years ago.

Article 6 (Guaranteed Status of Citizen Audit Ombudsmen)

The Mayor shall not terminate the appointment of a Citizen Audit Ombudsman or transfer the Ombudsman to another position against his or her will unless the Ombudsman is applicable to any of the subparagraphs of Article 10 of the Act on Public Sector Audits.

Article 7 (Roles and Responsibilities of Members)

Members shall monitor the city administration from the perspective of citizens and protect their interests from any unlawful and unfair administrative action.

Members shall independently perform audit, investigation, and monitoring activities for any of the following subparagraphs:

1. Any audit requested by a Citizen Audit Petition under Article 12;
2. Any audit requested by a Resident Audit Petition under Article 15;
3. Investigation, mediation, and arbitration of a grievance petition under Article 19;
4. Monitoring and evaluation for a public project under Article 21;
5. Any ex officio audit under Article 24;
6. Any audit or investigation requested by the Seoul Metropolitan Government Council (hereinafter referred to as the "Seoul Council"); and
7. Any audit or investigation requested by outside agencies including the Board of Audit and Inspection and the Audit Committee of the Seoul Metropolitan Government (hereinafter referred to as the "Audit Committee").

Despite the foregoing , any of the following subparagraphs shall be excluded from Members' scope of audit, investigation, and monitoring activities:

1. Matters related to the Seoul Council;
2. Matters for which remedy proceedings such as administrative trial and lawsuit are ongoing or confirmed under other applicable laws;
3. Matters for which an audit is ongoing or confirmed by the Board of Audit and Inspection, the Audit Committee, or other administrative agencies; provided, however, that this shall not apply in the event that there is any new matter or any material matter omitted in the audit even though it is audited by other agencies;
4. Matters for which an investigation or probe is ongoing by the Prosecutors' Office, the police, or other investigative authorities;
5. Matters for which any proceedings to mediate the interests of parties such as conciliation, resolution, mediation, or arbitration are ongoing, ruled, or confirmed under applicable laws; and
6. Matters that are deemed not appropriate for Members to audit by the Audit Petition Review Committee of the Seoul Metropolitan Government under Article 16.

Article 8 (Scope of Authority for Members)

1. Seoul City Hall, direct agencies, offices, and collegial administrative agencies of the Seoul Metropolitan Government (hereinafter referred to as the "City");
2. Autonomous gus in the Seoul Metropolitan Government (hereinafter referred to as the "Autonomous Gu"); provided, however,

that they are only applicable to Article 166 to Article 171 of the Act;
3. Any public enterprise established by the City under the Local Public Enterprises Act or any research institute invested or funded by the City under the Act on the Operation of Local Government-Invested Research Institute; and
4. Any entity, organization, or individual who has received business or subsidies from the City.

Article 9 (Committee Meeting)

The Chair shall convene and chair a meeting of the Committee (hereinafter referred to as the "Committee Meeting") when requested by a majority of the registered Members or deemed necessary by the Chair.

In the event that the Chair is vacant, the Member in the order of most years of service shall assume the Chair's roles described under Article 1 as acting chair. In the event that two or more Members have the same highest number of years of service, the older member shall become acting chair.

In the event that the Chair cannot perform his or her roles temporarily due to an accident or other reasons, the Member designated by the Chair shall serve as acting chair for the roles under Article 1; provided, however, the order set forth in the foregoing shall be followed if there is no designated Member.

Any Committee Meeting shall meet the quorum to conduct its business with the presence of a majority of the registered Members and make a resolution with approval from a majority of the present Members.

Article 10 (Dismissal, Recusal, and Abstinence)

Any Member subject to any of the following subparagraphs shall be dismissed from the concerned activities:
1. The Member is a party to or has any conflict of interest in audit, investigation, or monitoring;
2. Audit, investigation, or monitoring is related to the Member's relatives or those who used to be relatives of the Member under Article 777 of the Civil Act;
3. The Member has been involved in matters subject to audit, investigation, or monitoring for work-related or occupational reasons such as service, advice, and research;
4. The Member becomes a witness or expert witness in any lawsuit related to matters subject to audit, investigation, or monitoring;
5. The Member was involved with matters subject to audit, investigation, or monitoring before he or she was appointed as a Member; and
6. The Member had or has a special relationship with any contractor subject to monitoring and evaluation as a service provider or advisor.

The head of any agency or department subject to audit, investigation, or monitoring may request the Committee to recuse any Member from whom it is difficult to expect a fair audit or investigation, and the Committee may put to a vote whether to recuse such a Member. In this case, the Member who is requested to recuse himself or herself shall not participate in the vote.

In the event that any Member is subject to any dismissal reason set forth in any of the subparagraphs of Article 10. or any other reason that renders him or her difficult to perform a fair audit, investigation, or monitoring activity, the Member shall abstain himself or herself from the activity with approval from the Chair.

Article 11 (Secretariat and Its Staff)

The Committee shall have a secretariat and its staff (hereinafter referred to as the "Auditor") to support its operation and the work of its Members, and the operational rules of the Committee may define the scope of work between Members and the Auditor.

The organization and personnel quota of the secretariat shall follow the Seoul Metropolitan Government Ordinance on the Establishment of Administrative Organizations and the Seoul Metropolitan Government Ordinance on the Public Official Quota.

The Auditor shall be appointed by the Mayor by hearing opinions from the Chair.

The Auditor shall have professionalism and qualities required to perform audit work. The minimum qualification requirements for the Auditor shall be defined by the operational rules of the Committee.

The Mayor shall prepare means that allow the Auditor to work for the long term.

CHAPTER 3. CITIZEN AUDIT PETITION

Article 12 (Citizen Audit Petition)

CHAPTER 3. CITIZEN AUDIT PETITION In the event that the administration of any agency or its staff in any of the subparagraphs of Article 8 is considered unlawful and unfair, those in any of the following subparagraphs may file an audit petition (hereinafter referred to as the "Citizen Audit Petition") with the Committee.
1. Representative who has gathered joint signatures from at least 50 citizens aged 19 or older; and
2. Representative of a civil society organization with at least 100 permanent members (only limited to matters directly related to the organization's project scope).

Despite the foregoing , anything subject to any of the following subparagraphs shall not be a Citizen Audit Petition:
1. Any matter subject to any of Articles 7..1 to 7..5; and
2. Any matter related to private rights or privacy.

Those who wish to file a Citizen Audit Petition according to the foregoing (hereinafter referred to as the "Petitioner") shall fill out

and submit the attached form along with other documentation to the Committee. The submission of electronic documents through the information system shall be construed as having submitted the attached form.

Article 13 (Audit Decision)

The Committee shall convene a meeting when there is a Citizen Audit Petition under Article 12., decide whether to conduct an audit upon review or confirmation on any of the following subparagraphs, and notify its outcomes to the Petitioner:

1. Review on the requirements of a Citizen Audit Petition;
2. Confirmation on the validity of signatures in a list of Petitioners in a Citizen Audit Petition (e-signatures from the information system shall be deemed valid); and
3. Review on the eligibility of a Citizen Audit Petition for the Committee's audit.

Article 14 (Notification and Disclosure of Audit Outcomes)

The Committee shall conclude an audit within sixty (60) days from the audit date under Article 13 unless there is any other special reason and notify the audit's outcomes to the representative for Petitioners and the head of an agency or department subject to the audit within ten (10) days thereafter.

The Committee shall notify and disclose the outcomes of actions taken by the agency or department as a result of the audit conducted in the foregoing to the representative for Petitioners.

CHAPTER 4. RESIDENT AUDIT PETITION AND AUDIT PETITION REVIEW COMMITTEE

Article 15 (Resident Audit Petition)

CHAPTER 4. RESIDENT AUDIT PETITION AND AUDIT PETITION REVIEW COMMITTEE An audit petition filed with the Mayor for business under the authority of an Autonomous Gu and its head pursuant to Article 16 of the Act (hereinafter referred to as the "Resident Audit Petition") shall exceed the number of joint resident signatures defined in the Autonomous Gu's Ordinance.

An audit petition filed with the responsible Minister for business under the authority of the City and its Mayor pursuant to Article 16 of the Act shall have signatures from at least 200 residents aged 19 or older.

Article 16 (Establishment and Function of the Audit Petition Review Committee)

To review and resolve any of the following subparagraphs for a Resident Audit Petition under Article 26 of the Enforcement Decree, the Audit Petition Review Committee of the Seoul Metropolitan Government (hereinafter referred to as the "Review Committee") shall be established under the Mayor:

1. Review on the requirements of a Resident Audit Petition;
2. Confirmation on the validity of signatures in a list of Petitioners in a Resident Audit Petition;
3. Review and decision on any objection about signatures in a list of Petitioners; and
4. Other matters put to a meeting by the Mayor in relation to a Resident Audit Petition.

Article 17 (Organization of the Review Committee)

The Review Committee shall consist of nine to 13 Review Members including one Review Chair and one Vice Review Chair.

Review Members shall be appointed or nominated by the Mayor among those in any of the following subparagraphs; provided, however, that Review Members appointed from 17..3 to 17..8 shall account for more than half of all Review Members, and three Review Members including two members of the Seoul Council shall be recommended by the Seoul Council:

1. Head of an audit department in the Seoul Metropolitan Government (ex-officio);
2. Public officials who are Deputy Mayor/Director-General or higher in the City;
3. Members of the Seoul Council recommended by the Seoul Council;
4. Those qualified as a judge, prosecutor, lawyer, or judicial scrivener;
5. Those qualified as a certified public accountant, engineer, architect, or tax accountant;
6. Those recommended by a civic group (non-profit non-governmental organizations under Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act);
7. Those who serve as an associate professor or higher-level position in law, accounting, civil engineering, or architecture at a university; and
8. Others fully knowledgeable and experienced about audit work.

The term of any Review Member appointed by the Mayor under the foregoing shall be two (2) years. Any Review Member may be dismissed under Article 8-2 of the Seoul Metropolitan Government Ordinance on the Establishment and Operation of Various Committees. The term of a Review Member newly appointed to fill a vacancy shall be the remaining term of the former Review Member.

Article 18 (Operation of the Review Committee)

The Review Chair shall convene and chair a meeting for the Review Committee.

In the event that the Review Chair cannot perform his or her job due to unavoidable reasons, the Vice Review Chair shall serve as acting review chair. In the event that both the Review Chair and the Vice Review Chair cannot perform their job due to unavoidable

reasons, the Review Member in the order of seniority shall serve as acting review chair.
Any meeting for the Review Committee shall meet the quorum to conduct its business with the presence of a majority of the registered Review Members and make a resolution with approval from a majority of the present Review Members.
The Review Chair shall have relevant public officials, Petitioners, and other stakeholders come to a meeting and state their opinions or request them to submit required materials if deemed necessary to efficiently address agenda items in the Review Committee's meeting.
Any Review Member shall not participate in a review or resolution for any of the following matters with regard to a Resident Audit Petition:
1. Matters related to work in the Review Member's department; and
2. Matters related to the Review Member or his or her relatives.
The Review Committee shall have one secretary and one clerk to better perform office work; the secretary shall be an officer responsible for Resident Audit Petitions, and the clerk shall be a staff member responsible for Resident Audit Petitions.
The secretary shall perform work in any of the following subparagraphs and report major review outcomes to the Mayor:
1. Office work on the operation of the Review Committee;
2. Preparation and record-keeping of review agendas and meeting minutes; and
3. Other matters required to operate the Review Committee.

CHAPTER 5. INVESTIGATION INTO GRIEVANCE PETITIONS

Article 19 (Investigation into Grievance Petitions)

CHAPTER 5. INVESTIGATION INTO GRIEVANCE PETITIONS The Committee may launch an investigation into grievance petitions filed with the City if deemed necessary within Members' scope of authority and work under Articles 7 and 8.
The Committee may request the head of a relevant agency or department to submit related materials for a grievance petition investigation, and the head shall comply with such a request.
The Committee shall notify the Petitioner and the head of a relevant agency or department of a grievance petition investigation's outcomes without any delay and make recommendations or express opinions to the head of a relevant agency or department when deemed necessary to improve the city administration or systems.

Article 20 (Notification, Check, and Inspection of Outcomes)

The head of an agency or department shall respect the recommendations or opinions it received under Article 19. and notify the Committee of its actions taken for such recommendations or opinions within thirty (30) days upon receiving such recommendations or opinions.
The Committee may check or inspect actions taken for recommendations or opinions under Article 19..

CHAPTER 6. MONITORING AND EVALUATION FOR PUBLIC PROJECTS

Article 21 (Public Projects Subject to Monitoring and Evaluation)

CHAPTER 6. MONITORING AND EVALUATION FOR PUBLIC PROJECTSMembers shall monitor and evaluate the ordering, bidding, win-bidding, contracting, and contract compliance of public projects subject to any of the following subparagraphs deemed necessary by the Committee to conduct monitoring and evaluation to ensure fairness and transparency (hereinafter referred to as the "Public Projects Subject to Monitoring and Evaluation"):
1. Construction whose total cost exceeds KRW 3 billion;
2. Service worth more than KRW 500 million;
3. Purchase worth more than KRW 100 million; and
4. Any other public project deemed necessary by the Committee to conduct monitoring and evaluation to ensure fairness and transparency in outsourcing and support projects.

Article 22 (Submission of and Request for Materials)

The head of an agency or department which enforces public projects in any of the subparagraphs in Article 21 (hereinafter referred to as the "Enforcement Agency/Department") shall submit a list of the public projects to the Committee within one (1) month from the commencement date of every fiscal year.
The Committee may request the Enforcement Agency/Department to submit materials to check the integrity contract compliance of public projects subject to monitoring and evaluation, and the head of the Enforcement Agency/Department shall submit the materials within seven (7) days upon receiving such a request.
The head of the Enforcement Agency/Department shall request the Committee for the witness of its Members in a proposal evaluation committee to select the contractor no later than seven (7) days before such a committee, and the Committee may allow its Members or Citizen Participatory Ombudsmen appointed under Article 25 to witness the committee.
The heads of departments who operate the Construction Technology Review Committee of the Seoul Metropolitan Government and the Contract Review Committee of the Seoul Metropolitan Government shall submit to the Committee their review materials

and schedules for public projects under any of the subparagraphs of Article 21 no later than seven (7) days before such review.
In addition to Articles 22. to 22., the Committee may request the Enforcement Agency/Department to submit materials required to monitor and evaluate public projects as necessary, and the head of the Enforcement Agency/Department shall submit them no later than seven (7) days upon receiving such a request.
The Committee may obtain authorization from the head of a department managing the information system including budget and financial accounting to electronically receive materials submitted under Article 22. or directly use the information system. In this case, it shall be construed that the Enforcement Agency/Department has submitted the materials under Article 22..
In the event that the Committee wishes to receive materials submitted under Article 22. electronically under Article 22., it shall be construed that the head of the Enforcement Agency/Department has provided consent unless it otherwise conflicts with governing laws.

Article 23 (Handling of Monitoring and Evaluation)

The Committee may make recommendations or express opinions in the event that the city administration or systems need to be improved as a result of monitoring and evaluation on public projects.
The Committee may have additional operational rules for the monitoring and evaluation of public projects and integrity contract compliance.

CHAPTER 7. EX OFFICIO AUDIT

Article 24 (Ex Officio Audit)

CHAPTER 7. EX OFFICIO AUDIT Members may conduct an ex officio audit after obtaining the Committee's resolution when deemed necessary to carry out such an audit in investigating and addressing grievance petitions and monitoring and evaluating public projects.
The Chair shall consult with the Audit Committee before the Committee's resolution.

CHAPTER 8. OTHERS

Article 25 (Qualification for the Citizen Participatory Ombudsman)

CHAPTER 8. OTHERS The Committee may appoint experts as Citizen Participatory Ombudsmen to strengthen audit, investigation, and monitoring in professional fields for any of the subparagraphs in Article 7..
Citizen Participatory Ombudsmen shall consist of no more than 35 people in six fields, including women's welfare, urban safety, industrial economy (living environment), urban transportation (transportation planning), education culture, and general administration, by considering the gender ratio.
The qualification of Citizen Participatory Ombudsmen shall follow any of the subparagraphs in Article 4., and the Committee's operational rules may be defined additionally for their qualification if necessary.
Citizen Participatory Ombudsmen shall be appointed by the Mayor upon the Committee's review after receiving recommendations from civil society organizations, academia, and the legal community or applications from those qualified under Article 25..
The term of Citizen Participatory Ombudsmen shall be two (2) years, and the Ombudsmen may be appointed for only one additional term; provided, however, that in the event that Citizen Participatory Ombudsmen do not do any activity more than one (1) year after appointment, the Mayor may dismiss them.
Citizen Participatory Ombudsmen may directly participate in the Committee's audit, investigation, and monitoring, present their opinions, provide advice to the Committee, or make suggestions to improve policies and systems across the city administration.

Article 26 (Citizen Participation in Audit)

Members may have civil society organizations and other experts in their respective field in addition to Citizen Participatory Ombudsmen when necessary for audit, investigation, and monitoring.

Article 27 (Compensation)

Compensation or travel expenses may be paid to Review Members under Article 17, Citizen Participatory Ombudsmen under Article 25, and citizens participating in an audit under Article 26 within the budget range pursuant to the Seoul Metropolitan Government Ordinance on Committee Compensation and Travel Expense Payment.

Article 28 (Confidentiality)

Anyone involved in the work of the Committee shall not disclose confidential information obtained over the course of such work.

Article 29 (Reporting)

The Committee shall report to the Mayor and the Seoul Council its activities up to the end of June and December by the end of July and January of the next year, respectively.

Article 30 (Committee Organizational Rules)

Other matters required to enforce this Ordinance may be defined in the organizational rules of the Committee by the Committee's

resolution.