

OFFICE OF THE CLERK OF THE LEGISLATURE

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Clerk of the Legislature
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NOTICE OF ADOPTION

Per Section 214 of the County Law, you are hereby notified that on July 13, 2023 the Oswego County Legislature adopted the following:

**“A LOCAL LAW NUMBER 2 OF 2023, AMENDING LOCAL LAW NUMBER 2 OF 2021
AS CONCERNS RESIDENCY REQUIREMENTS FOR ASSISTANT PUBLIC
DEFENDERS”**

Copies of Local Law #2 of 2023 are posted in the Oswego County Courthouse on East Oneida Street in Oswego, at the County Clerk’s Office at 46 E. Bridge Street in Oswego and available online at oswegocounty.com. Requests can also be e-mailed to betsy.saunders@oswegocounty.com

By Order of the Oswego County Legislature
February 9, 2023
Betsy Sherman-Saunders, Clerk

RESOLUTION NO. 211

A RESOLUTION ADOPTING COUNTY OF OSWEGO LOCAL LAW NUMBER 2 OF 2023, ENTITLED "A LOCAL LAW AMENDING LOCAL LAW NUMBER 2 OF 2021 AS CONCERNS RESIDENCY REQUIREMENTS FOR ASSISTANT PUBLIC DEFENDERS"

By Legislator David Holst:

WHEREAS, a public hearing was held on July 13, 2023 and all interested parties having had an opportunity to be heard,

NOW, upon the recommendation of this body, be it

RESOLVED, that Local Law Number 2 of the year 2023 entitled "A LOCAL LAW AMENDING LOCAL LAW NUMBER 2 OF 2021 AS CONCERNS RESIDENCY REQUIREMENTS FOR ASSISTANT PUBLIC DEFENDERS" be, and is hereby, adopted and enacted in its entirety.

ADOPTED BY VOICE VOTE ON JULY 13, 2023:

YES: 23 NO: 1 ABSENT: 1 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

STATE OF NEW YORK)
COUNTY OF OSWEGO) ss.

THIS IS TO CERTIFY THAT I, MATTHEW REITZ, Deputy Clerk of the Oswego County Legislature have compared the foregoing copy with the original resolution now on file in my office which was adopted by the Oswego County Legislature on June 15, 2023

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the said Legislature of Oswego County, New York, on this 14th day of July 2023.


Betsy Sherman-Saunders
Clerk of the Oswego County Legislature

COUNTY OF OSWEGO

PROPOSED LOCAL LAW 2 OF 2023

A LOCAL LAW AMENDING LOCAL LAW NUMBER 2 OF 2021 AS CONCERNS RESIDENCY REQUIREMENTS FOR ASSISTANT PUBLIC DEFENDERS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF OSWEGO AS FOLLOWS:

Section 1: PURPOSE AND INTENT.

Due to difficulties in recruitment, and to meet its responsibility in providing quality publicly supported legal representation to indigent persons under the County Law, it is the intent of the intent of the Legislature of County of Oswego to amend Local Law Number 2 of 2021 to supercede the provisions of New York State Public Officers Law section 3 (1) as concerns the residency requirements of Assistant Public Defenders only.

Section 2. LOCAL LAW NUMBER 2 OF 2021 IS AMENDED.

Local Law number 2 of 2021 be, and is hereby AMENDED, in part, so that a new Section 4(A) is added to the local law with the rest and remainder of said local law remaining in full force and effect. Amendments/Additions are underlined, deletions are stricken out:

SECTION 4(A): RESIDENCY REQUIREMENT: ASSISTANT PUBLIC DEFENDER.

The provisions of Section 3(1) of the New York State Public Officers Law requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen, or within which his or her official functions are required to be exercised, shall not prevent a person from holding the office of Assistant Public Defender of the County of Oswego provided that such a person resides within the County of Oswego or a contiguous county adjoining the County of Oswego within the State of New York. The provisions of this local law shall not apply to any person holding the position of Deputy Public Defender, the holder of which would assume the duties of the Public Defender upon the Public Defender's absence from the county, a vacancy in that office, or upon the Public Defender's inability to perform his or her duties.

SECTION 3: SEVERABILITY.

If any clause, sentence, paragraph, section, subdivision, or other part of this local law, as written or in its application, shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order, judgment or legislation shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited such order or judgment.

SECTION 4: EFFECTIVE DATE.

This Local Law shall take effect upon its adoption and being duly filed with the New York Secretary of State and Oswego County Clerk as provided by the Municipal Home Rule Law.