

OFFICE OF THE CLERK OF THE LEGISLATURE

Wendy M. Falls
Clerk of the Legislature
315-349-8230



46 East Bridge Street
Oswego, New York 13126
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NOTICE OF ADOPTION

Per Section 214 of the County Law, you are hereby notified that on May 12, 2016, the Oswego County Legislature adopted the following:

COUNTY OF OSWEGO LOCAL LAW NUMBER 2 OF 2016 “A LOCAL LAW SUPERCEDING SECTION 501 OF THE CORRECTION LAW”

Copies of Local Law #2 of 2016 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 are available upon request to Wendy Falls, Clerk of the Legislature at 46 E. Bridge Street, Oswego, NY 13126, by phone at 315-349-8230 or by e-mail at wfalls@oswegocounty.com

By Order of the Oswego County Legislature
May 12, 2016
Wendy M. Falls, Clerk

COUNTY OF OSWEGO PROPOSED LOCAL LAW NO. 2 OF 2016

A LOCAL LAW SUPERCEDING SECTION 501 OF THE CORRECTION LAW RELATIVE TO JAIL PHYSICIAN

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

1. Legislative Intent & Purpose:

The Legislature of the County of Oswego recognizes its statutory obligation under 501 of the Corrections Law to appoint some reputable physician, duly authorized to practice medicine, as the physician to the jail of the county. However, due to the fact that Oswego County is a rural upstate county coupled with residency restrictions of appointive county officers and the demands of serving as both Jail Physician and maintaining a medical practice, it is increasingly difficult to recruit and retain a single qualified physician as Jail Physician and meet the needs of the Oswego County Correctional Facility. As the Jail Physician serves at the pleasure of the Legislature, and is not appointed by the Sheriff, a local law permitting the County of Oswego to

supercede §501 of the County Law and to designate a reputable group of physicians practicing within the county, instead of appointing a single physician, will provide more flexibility in finding qualified physicians to meet the medical needs of inmates in county custody. Due to the impending retirement of the former Jail Physician and the difficulty encountered in recruiting a replacement, this body finds and determines that superceding the Corrections Law is both reasonable and necessary in order to protect the health and safety of the people of the County of Oswego, including inmates in its custody, and to thereby promote the general welfare and safety pursuant to the county's police powers and municipal home rule authority.

2. Authorization Granted:

Section 501 of the Corrections Law be and is hereby superceded to permit the County Legislature of the County of Oswego to appoint some reputable physician, duly authorized to practice medicine, as the physician to the jail of the County of Oswego or, should the legislature deem it to be necessary or convenient, to designate some reputable medical practice group consisting of one or more physicians with an office located within the County of Oswego to serve as jail physician in lieu thereof. A single jail physician, if appointed, shall hold office at the pleasure of the County Legislature and, should a group practice of physicians be designated as jail physician, said designation shall be terminable at will by the county legislature. A jail physician or group so designated may be covered by the county's insurance at county cost for official acts within the Correctional Facility as Jail Physician and covered by the county's general defense and indemnification resolution for county officers and employees.

3. Severability:

If any part of this Local Law or the application thereof to any person or circumstance should be adjudged to be invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the application, part or provision of this Local Law directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the rest and remainder of this Local Law or the application thereof to other persons or circumstances and the Oswego County Legislature hereby declares that it would have passed this Local Law or the remainder of it had such invalid application or provision been apparent.

4. County not Liable:

Nothing in this enactment shall be deemed to impose any civil or criminal liability upon, or give rise to a cause of action against the Sheriff, the County Legislature, the county or any official, employee or agency of the County of Oswego for failing to act in accordance with this Local Law or by applying or enforcing same in good faith.

5. Effective Date:

This local law shall take effect immediately upon filing with the Secretary of State.