



Board Agenda Item 45

DATE: August 19, 2025

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Request to Defend Public Officer or Employee

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute “Agreement to Defend Public Officer or Employee, Reservation of Rights, and Non-Waiver” for the employee listed below:

<u>Name of Employee</u>	<u>Former Position</u>	<u>Title of Action</u>
Kenneth Hahus	Chief Deputy District Attorney, District Attorney	Colin Dickey v County of Fresno, et. al.

Description:

The plaintiff alleges that the District Attorney knowingly presented false evidence at his trial, which occurred in 1991, and used the false evidence to pursue Plaintiff's convictions and death sentence, which was the proximate cause of the plaintiff's injuries. The employee was employed with the District Attorney's Office at the times relevant to the allegations in the lawsuit.

Fresno County Claim No.:	3233
Northern District Court:	4:25-cv-04580-DMR
Plaintiff:	Kenneth Hahus

ALTERNATIVE ACTION(S):

No alternative action is available because Article 4 (commencing with section 825), Chapter 1, Part 2, Division 3.6 of Title 1 of the Government Code requires the County to indemnify its public employees who timely request such defense.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Funds to finance the cost of defense are contained in the Department's Org 8925, Risk Management Internal Services Fund. Defense costs are supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

The California Government Code requires the County to defend its officers and employees who are sued

because of their actions while in the course and scope of employment, if they timely request such defense. The County may require officers and employees to agree that the County's rights under the law are protected.

In the above-mentioned action, the employee who has been named in the suit has requested the County to provide legal defense. The necessary agreement to protect the County's rights has been signed by said employee and is on file with the Clerk of the Board.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement to Defend Public Officer or Employee, Kenneth Hahus

On file with Clerk - Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Sevag Tateosian