

Kentucky Communications Network Authority (KCNA) Board Minutes

17 April 2026

109 Corporate Drive, Frankfort, KY

KCNA board members present:

David Couch, Chair (*Kentucky Department of Education*)

Russ Hensley (*Secretary of State's Office*)

Lonnie Lawson (*Center for Rural Development*)

Karen Hall (*State Treasurer's Office*)

Heather Becker (*Department of Agriculture*)

KCNA board members absent: Two members. Kentucky Association of Counties member and KY League of Cities member. Both organizations are waiting on the selection of their member from the three candidates that these two organizations have provided to the Governor's Office.

Other: Christopher Thacker (*KY Attorney General's Office*)

Staff:

Jim Barnhart, KCNA Executive Director and *Commonwealth Office of Technology CIO*

Adam Adkins attorney representing *Finance and Administration Cabinet*

Roberta Ryan, (*Commonwealth Office of Technology*)

I. Call to Order/Introductions – Meeting called to order at 8:40 AM by Chair, David Couch.

II. All KCNA board members in attendance received their oath prior to start of meeting. A quorum was present all during the meeting.

III. Immediate Goals for the KCNA Board in Absence of an Existing KCNA Strategic Plan

- Goal 1: Resolve issue(s) preventing 38 school districts from becoming part of the KCNA network as well as allowing any of the 136 existing KDE Internet Hubs in school districts and KDE the agency organizations that currently use the KCNA network to continue to use the KCNA network whenever there is a change in location of the KDE Internet Hub (e.g., approximately 3-5 school districts per year need to change the location of their KDE Internet Hub in their school district due to them moving to new school district central office building).
- Goal 2: Deescalate and repair relationships; minimize conflicts and costly lawsuits.
- Goal 3: Review and understand financial operations and operational efficiencies.
- Goal 4: Protect state's future bond rating potential and ability to make availability payments.
- Goal 5: Explore consolidating electronics and services, private and public sector to avoid duplication; become broker of services vs. provider of services.

MOTION was made by Heather Becker, seconded by Russ Hensley, to approve the five immediate board goals as outlined by David Couch; all members approved, and motion was carried.

IV. KCNA Background & Current Situation

- RFP issued without Board oversight or approval and without COT review.
- Unrecoverable and significant loss of funds due to contract structure, budgeting failures.
- Litigation remains pending and in progress with increasingly expensive consequences. IceMiller charges \$475 per hour. KCNA has a contract with IceMiller for \$1.8M and has spent \$1.4M of that \$1.8M. KCNA estimated that another \$1M above that \$1.8M would be needed for the lawsuit if it continued. It is the board's understanding that the IceMiller contract is to end in June 2026. However, KCNA staff were unsure of that. So that needs to be followed up on.
- Significant obstacles to obtaining information continue, abundant communication failures.
- David Couch shared his 20 March communications submitted to the court and former KCNA director.

As indicated on the 17 April agenda, formally submit into the court record within Franklin Circuit Civil Action No. 23-CI-01049 c/w 24-CI-00333 the 3 attachments to Judge Shepherd that were hand carried and delivered to his office at the Franklin Circuit Court on 20 March 2026. The three attachments are titled (1) Judge Shepherd, (2) KY IT Oversight Committee next Wednesday morning, and (3) OET at Information Technology Oversight Committee on July 9th), which are attached.

MOTION was made by Russ Hensley, seconded by Heather Becker, directing that David Couch's letter and attachments to Judge Shepherd be admitted into public judicial record. All members approved and motion was carried.

V. Requests by Board Chair for Formal Support by Board

As indicated on the 17 April agenda, starting on 10 March, when HB314 law went into effect, there are to be no more communications (including court filings) between any legal counsel for KCNA (including IceMiller, LLC) to anyone outside KCNA without (a) first both the KCNA director/leader (Jim Barnhart) and the KCNA chair seeing the proposed communication and (b) the KCNA chair approving that communication before it goes to anyone beyond KCNA.

MOTION was made (amended following discussion) by Heather Becker, seconded by David Couch, directing that all legal related communication being sent from KCNA in-house or KCNA's outsourced legal representation (i.e., IceMiller) to individuals or organization's

beyond KCNA first be provided to David Couch, Jim Barnhart, and the Board for approval by the Board Chair prior to release; all members approved motion as amended.

- All communications between KCNA legal staff or outsourced counsel (e.g. IceMiller) and Acelecom since 2023 to be provided to Board – *tabled until after closed session.*
- Total expenditures by KCNA for in-house and outsourced legal staff to be provided to Board for 2023-2026 – *some information has been acquired, and progress will continue.*
- Determine hiring mechanism and process used for KCNA staff and KCNA out-sourced legal counsel – *copy of IceMiller contract has been acquired and will be reviewed in detail.*
- Identify funding source and funds available to pay for in-house KCNA staff and out-sourced legal staff – *deferred to 4/29/26 Board meeting with heavy focus on financials.*

VI. Kentucky School Districts Challenges in Joining Network (Goal #1)

- Jim Barnhart reported that progress is occurring, and discussions continue to pursue expedited solution(s) and clarity on issues.

VII. Closed Session

MOTION was made by Heather Becker, seconded by Lonnie Lawson to enter closed session to discuss matters related to pending litigation, all members approved, and motion was carried.

Pursuant to KRS 61.810(1)(c), of the Kentucky Open Meetings Act, the Board retired into closed, executive session. Specific justification under the Kentucky Open Meetings Act for this action was as follows: discussions of proposed or pending litigation against or on behalf of the public agency. Motion entered by Lonnie Lawson and seconded by Russ Hensley to enter back into open session.

VIII. Senate Bill 25 special examination of KCNA by the Auditor of Public Accounts and Vantage Point Solutions. The special examination has begun. There isn't a date identified when the special examination will end nor when their report will be available to the board.

IX. RFP Issued without Board Oversight or Approval

As indicated on the 17 April 2026 agenda, the KCNA board directed the KCNA Director Jim Barnhart to pursue withdrawing or pausing of the RFP that was issued 6 days before HB314 became law. Per HB314, if request to pause or withdraw RFP is ignored, KCNA leadership is prohibited from signing an awarded contract without the KCNA board's approval.

MOTION was made by David Couch, seconded by Heather Becker, directing Jim Barnhart to pursue withdrawing or pausing of the RFP, ideally to be re-issued with significant changes; all approved and motion was carried.

X. **Board Understanding of Litigation from Accelecom Perspective.** This item was removed from the agenda. May be scheduled in future.

XI. **Resolutions Regarding Future Direction of Lawsuit;**

The following resolutions were proposed and discussed:

- As indicated on the 17 April agenda, take affirmative steps to pause/stay the litigation now pending in the above reference Civil Action No. 23-CI-01049 c/w 24-CI-00333 to allow the new KCNA board to better understand the differences between KCNA and Accelecom while at the same time working through the differences to attempt to negotiate an agreement between KCNA and Accelecom for a possible win win situation for both KCNA and Accelecom. The board specifically directs IceMiller, LLC, as counsel for KCNA, to prepare and file a Motion for Stay of proceedings with the Franklin Circuit Court for the reasons stated above.
- As related to the 17 April agenda, the KCNA board directs KCNA counsel to suspend all legal activity, including depositions of Accelecom witnesses. IceMiller, LLC and in-house legal counsel are to immediately cease all litigation activity except for actions specifically approved in writing by David Couch as chair of the KCNA board.

MOTION was made by Heather Becker, seconded by Karen Hall, to direct Ice Miller to request a stay of proceedings by the Franklin Circuit Court to allow time for meaningful mediation dialogue among all litigating parties; all members approved the motion, and it was carried.

MOTION was made by Heather Becker, seconded by Russ Hensley, to direct IceMiller and in-house legal counsel to cease all litigation activity without the express written permission of the KCNA Board Chair; all members approved the motion, and the motion was carried.

MOTION was made by Heather Becker, seconded by Russ Hensley, to seek an Opinion from the Office of the Attorney General, through the Board chair, as to legislative intent and meaning of the Board's function and role within HB314; all approved and motion was carried.

XII. Understand & Assess Financial Status to Ensure Operational Efficiency (Goals #3-5)

Detailed look at financials and operational efficiency of goals 3-5 will be a focus of scheduled Board meeting on 4/29/26.

MOTION was made by Russ Hensley, seconded by Heather Becker, to request API access to eMars; all approved, and motion was carried.

XIII. KCNA Website. Board chair will pursue contacting the Kentucky School Board Association (KSBA) to use their services for future board agendas and attachments. Other state agencies currently do this. Current KCNA website needs significant improvements. Large parts of the content were removed from both the KCNA website and Facebook page, soon before HB314 was passed. Why was that done and can that be retrieved?

XIV. Future Scheduled Meetings:

MOTION was made by Heather Becker, seconded by Russ Hensley, that next meeting will be on April 29, 2026 1:00-5:00 PM at 109 Corporate Drive, Frankfort with future regular meetings to be scheduled for the third Friday each month at 8:30 AM (unless it falls on a holiday, then it will occur the first day earlier that week (e.g., Thursday) that is not a holiday) at 109 Corporate Drive, Frankfort; all members approved and proposal was adopted.

XV. KY Legislative Information Technology Oversight Committee (ITOC) Meeting

21 May 2026 at 9:00 AM – David Couch and Jim Barnhart have been asked to provide KCNA update.

XVI. Adjournment

MOTION to adjourn was made by Karen Hall, seconded by Lonnie Lawson. All approved and motion carried.

Meeting adjourned by Chair David Couch at 12:05 PM

Minute approved by Board vote, April 29, 2026:

