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July 10, 2015

Brian Kenner
Deputy Mayor for Planning and Economic Development
The John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 317
Washington, D.C. 20004

Dear Mr. Kenner:

I write concerning the ongoing development of the McMillan Reservoir Slow Sand Filtration site (“McMillan Site”) to seek background documentation on two issues outlined below. As you know, the role of the Office of the D.C. Auditor is to examine the accounts and operations of the D.C. government with a focus on economy, efficiency, and accountability. The goal of this request is to provide assurance to the D.C. Council that the decisions made to date are legally sufficient and consistent with efficient use of taxpayer resources.

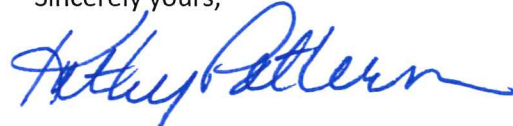
Expenditure of D.C. funds on pre-development costs associated with the McMillan site development. Please provide any and all amendments to the Amended Summary Term Sheet dated February 12, 2009. That document, like its 2007 predecessor, states that Vision McMillan Partners (VMP) is to be responsible for pre-development costs. Specifically, I am seeking documentation on the change(s) that authorized the use of D.C. funds for pre-development, any and all legal sufficiency memoranda providing the basis for the change in funding source and use of District funds, and any pertinent precedents for District assumption of pre-development costs.

Designation of Vision McMillan Partners as the exclusive developer of the McMillan site. Again, I am requesting background information that provides the rationale for the change from the original process outlined in the 2006 *Phase I – Land Development: Solicitation for Land Development Partner* by the National Capital Revitalization Corporation in which a land development partner was selected, to the subsequent process outlined in Phase II, in which “Vertical Development Partners” would be sought. Please provide documentation and legal sufficiency memoranda or other information demonstrating the authorization for the more recent designation of VMP as the project developer. I understand there was no competitive solicitation so the documentation should include the legal basis for a sole source procurement.

I would appreciate receiving these materials at the earliest possible time and no later than July 31, 2015. Please let me know if you have any questions or concerns and feel free to contact me at kathy.patterson@dc.gov or my chief of staff, Stacie Pittell, at stacie.pittell@dc.gov.

Thank you very much.

Sincerely yours,



Kathleen Patterson

Cc: Betsy Cavendish, General Counsel to the Mayor
The Hon. Phil Mendelson, Chairman, D.C. Council