

**LITTLE 5 POINTS**  
**COMMUNITY IMPROVEMENT DISTRICT**



---

**BY-LAWS**

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## **ARTICLE I. NAME AND LOCATION**

The name of the district is the Little 5 Points Community Improvement District, but hereinafter referred to as the L5P CID.

The principal office of the district in the State of Georgia shall be located in the City of Atlanta, Counties of Fulton or DeKalb. The district may have such offices, either within or without the State of Georgia, as the Board of Directors may determine or as the affairs of the district may require from time to time.

## **ARTICLE II. PURPOSE**

The purpose of L5P CID is the provision, acceleration, supplementation, or enhancement of such of the following governmental services:

- (1) Construction and maintenance of local, collector, and arterial streets as shown on the city's street classification map or as otherwise included in the city's most recently adopted Comprehensive Development Plan, including curbs, sidewalks, streetlights, and devices to control the flow of traffic on local, collector, and arterial streets;
- (2) Parks and recreational areas and facilities;
- (3) Stormwater and sewage collection and disposal systems;
- (4) Development, storage, treatment, purification, and distribution of water;
- (5) Public transportation;
- (6) Parking facilities; and
- (7) Such other services and facilities as may be provided for by general law.

## **ARTICLE III. BOARD OF DIRECTORS**

**SECTION 1. General Powers.** The affairs of the district shall be managed by its Board of Directors. Directors, including appointed Directors (with the exception of the chairman of the finance committee of the city council), shall be electors within the district. If a Director ceases to be an elector, such Director's position shall be declared vacant as of the date of the event terminating such status.

SECTION 2. Number, Tenure and Qualifications. The number of Directors shall nine (9) persons to be appointed and elected as hereinafter provided.

- a. Appointed Directors (3 in total): One Director shall be an elector from the district appointed by the mayor. One Director shall be an elector from the district appointed by the president of city council. One Director shall be the current chairperson of the finance committee of city council. The appointed Directors shall serve at the pleasure of the appointing city official for terms in office not to exceed four years.
- b. Elected Directors (6 in total): the remaining Directors shall be elected by the owners of real property within the district subject to taxes, fees, and assessments levied by the board. One Director shall be elected by majority vote of the electors present and voting at the caucus, on the basis of one vote for each elector. Said Director shall be elected to a term of office of two years at the initial caucus of electors when the board is first formed, and to terms of office of four years thereafter. Five Directors shall be elected by majority of the votes cast by the electors present and voting at the caucus, with each elector having one vote for each \$1,000.00 (or fraction thereof) in assessed value of the property owned by the elector subject to taxes, fees, or assessments levied by the board. Of the said five Directors, two of the initially elected shall serve for two years, and the three shall serve for four years. Thereafter, all terms of office shall be for four years, including the appointed Directors who serve at the pleasure of the city governing body.

SECTION 3. Biennial elections: After the initial board election there shall be conducted biennially, not later than 60 days following the last day for filing ad valorem real property tax returns in Fulton or DeKalb counties, or both, a caucus of said electors at such time and place within the district as the board shall designate in such notice for the purpose of electing Directors to those non-appointed positions which have terms expiring or are vacant. The Board of Directors shall approve by majority vote a slate of eligible candidates for all elections, and only candidates included on this slate are eligible to serve as a Director.

SECTION 4. Georgia Election Code: O.C.G.A. tit. 21, ch. 2 (O.C.G.A. § 21-2-1 et seq.), known as the "Georgia Election Code," shall not apply to the election of district Directors. Should a vacancy in office occur of a district Director and the regular caucus of electors is more than six months in the future, a special election shall be called to fill such vacancy, unless filled by appointment as hereinabove required. The district board may adopt such bylaws not inconsistent herewith to provide for any matter concerning such elections.

SECTION 5. Removal of Directors. The Directors shall be subject to recall as any other elected public official by the electors of the District.

SECTION 6. Regular Meetings. A regular annual meeting of the Board of Directors shall be held without other notice than this by-law at a location to be determined by the Board. The Board of Directors may provide, by resolution, the time and place, either within or without the State of Georgia, for the holding of additional regular meetings of the Board without other notice than such resolution. Meetings may be held by conference call or video conference.

SECTION 7. Special Meeting. Special meetings of the Board of Directors may be called by or at the request of the Principal or any two Directors. The person or persons authorized to call special meetings of the Board may fix any place, either within or without the State of Georgia, as the place for holding any special meeting of the Board called by them.

SECTION 8. Notice. Notice of any special meeting of the Board of Directors shall be given at least two days previously thereto by written notice delivered personally or sent by mail or email to each Director at his or her address as shown by the records of the district. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. If notice be given by email, such notice shall be deemed to be delivered when the email is sent. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board need be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these by-laws.

SECTION 9. Quorum. Four Directors shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than four of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice. A Director may be present at any meeting by attending in person or by phone or video conference.

SECTION 10. Manner of Acting. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

SECTION 11. Vacancies. If a vacancy occurs in an elected position on the board, the board shall, within 60 days thereof, approve by majority vote a slate of candidates to fill the vacancy and call a special election to fill the same to be held within 60 days of the call unless such vacancy occurs within 180 days of the next regularly scheduled election, in which case a special election may, but need not, be called. For any election held hereunder, notice thereof shall be given to said electors by publishing notice thereof in the legal organ of Fulton County or DeKalb County, or both, on four dates, at least 45 days, 31 days, 17 days, and ten days, respectively, prior to such election. All vacancies to be filled through election shall be filled by majority vote on the approved slate of

candidates in the same manner as the Director previously holding the seat. A Director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office.

SECTION 12. Compensation. Directors as such shall not receive any stated salaries for their services, but expenses of attendance, if any, may be allowed for attendance at each regular or special meeting of the Board; but nothing herein contained shall be construed to preclude any Director from serving the district in any other capacity and receiving compensation there for.

SECTION 13. Informal Action by Directors. Any action required by law to be taken at a meeting of directors, or any action which may be taken at a meeting of directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the Directors.

SECTION 14. Conflict of Interest. Any duality of interest or possible conflict of interest on the part of any Director shall be disclosed to the other Directors and made a matter of record through an annual procedure to be established by the Board and also when the interest becomes a matter of Board action. Any Director having such duality or possible conflict of interest shall not vote or use his or her influence on the matter in question and shall not be counted in determining a quorum for the meeting. The minutes of the meeting shall reflect such disclosure, abstention from voting and the quorum situation. The foregoing shall not be construed to prevent a Director from briefly stating his or her position in the matter, nor from answering pertinent questions of other Directors. Any new Director will be advised of this policy upon entering on the duties of this office.

#### **ARTICLE IV. OFFICERS**

##### SECTION 1. Officers.

The Board of Directors shall elect one of their members as chairman and another as vice-chairman. The Board of Directors shall contract with a secretary and a treasurer to serve as officers for the District in a non-voting capacity.

##### SECTION 2. Election and Term of Office.

The officers of the district shall be elected biannually by the Board of Directors at the regular annual meeting. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of the Board of Directors. Each officer shall hold office until his or her successor shall have been duly elected and shall have been qualified.

##### SECTION 3. *Removal.*

Any officer elected or appointed by the Board of Directors may be removed by an affirmative vote of two-thirds (2/3) of the Board whenever in its judgment the best interests of the district would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

SECTION 4. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

SECTION 5. Chairperson. The Chairperson shall preside at all meetings of the Board of Directors. He or she shall see that all orders and resolutions of the Board of Directors are carried into effect. He or she shall have general superintendence of all other officers of the district and shall see that their duties are properly performed. Such guidelines and direction as the Principal may require shall be provided by the Chairperson. He or she shall, from time to time, report to the Board of Directors all matters within his or her knowledge which the interest of the district may require to be brought to their notice.

SECTION 6. Treasurer. If required by the Board of Directors, the Treasurer shall have charge and custody of and be responsible for all funds and securities of the district; receive and give receipts for moneys due and payable to the district from any source whatsoever, and deposit all such moneys in the name of the district in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article VI of these by-laws; and in general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him or her by the Chairperson or by the Board of Directors.

## **ARTICLE V. COMMITTEES**

SECTION 1. Committees of Directors. The Board of Directors, by resolution adopted by a majority of the Directors in office, may designate and appoint one or more committees, each of which shall consist of two or more Directors, which committees, to the extent provided in said resolution, shall have and exercise the authority of the Board of Directors in the management of the district, except that no such committee shall have the authority of the Board of Directors in reference to amending, altering or repealing the by-laws; electing, appointing or removing any member of any such committee or any Director or officer of the district; adopting a plan of merger or adopting a plan of consolidation with another district; authorizing the sale, lease, exchange or mortgage of all or substantially all of the property and assets of the district; authorizing the voluntary dissolution of the district or revoking proceedings therefor; adopting a plan for the distribution of the assets of the

district; or amending, altering or repealing any resolution of the Board of Directors which by its terms provides that it shall not be amended, altered or repealed by such committee. The designation and appointment of any such committee and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed upon it or him or her by law.

SECTION 2. Other Committees. Other committees not having and exercising the authority of the Board of Directors in the management of the district may be appointed in such manner as may be designated by a resolution adopted by a majority of the Directors present at a meeting at which a quorum is present. Any member of such committee thereof may be removed by a majority of the Directors present at a meeting at which a quorum is present whenever it is in their judgment the best interests of the district shall be served by removal.

SECTION 3. Term of Office. Each member of a committee shall continue as such for a one year term starting at the date of appointment and until his or her successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee.

SECTION 4. Chairperson. One member of each committee shall be appointed chairperson by the person or persons authorized to appoint the members thereof.

SECTION 5. Vacancies. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

SECTION 6. Quorum. Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

SECTION 7. Rules. Each committee may adopt rules for its own government not inconsistent with these by-laws or with rules adopted by the Board of Directors.

## **ARTICLE VI. EMPLOYED STAFF**

SECTION 1. Employees. The Board of Directors shall employ at least one Principal and shall authorize the employment of other employees as are needed to carry out the programs of the district. The Principal(s) shall select the other employees who shall then be hired. The salary or wages and other terms of employment of the Principal(s) shall be set by the Board of Directors who may enter into contracts of employment with such employees on behalf of the district.



SECTION 2. Principals. Principals shall serve at the pleasure of the Board of Directors. Principals shall be the chief executive officers of the district and, subject to applicable law, to the provisions of these Bylaws, and to the general supervision of the Board of Directors, shall have general charge and control over the management of the ordinary affairs of the district and the development and implementation of its programs. The authority, duties and responsibilities of the Principals shall include, but are not limited to, the following:

- Implementation and execution of all policies established by the Board of Directors.
- Development of a plan for the organizational functions and commensurate personnel responsibilities toward the attainment of the program goals and objectives of the district.
- Submission of an annual budget for the approval of the Board of Directors.
- Selection, employment, control and discharge of employees, and primary responsibility for the administration of the personnel policies and procedures of the district.
- Maintenance of the physical properties owned by the district in a good state of repair and operating condition.
- Management of the business affairs of the district to the end that funds are collected and expended to the best possible advantage, consistent with the purposes of the district.
- Presentation to the Board of Directors, or to its authorized committee, of periodic reports reflecting the financial condition of the district and preparation and submission of such other reports as may be requested by the Board of Directors.
- Attendance at all meetings of the Board of Directors and committees thereof, except as otherwise directed.
- Performance of other duties as may be necessary or appropriate, as determined, from time to time, by the Board of Directors.

SECTION 3. Other Staff. All other staff are retained by the Principals and are accountable to him or her. The Board of Directors shall maintain a high level of concern for all employees. The Personnel Policy will be reviewed at least every three years and current copies distributed to all staff and Directors. The application of said policy shall be monitored by the Board of Directors.

## **ARTICLE VII. CONTRACTS, CHECKS, DEPOSITS AND FUNDS**

SECTION 1. Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the district, in addition to the officers so authorized by these by-laws, to enter into any

contract to execute and deliver any instrument in the name of and on behalf of the district, and such authority may be general or confined to specific instances.

SECTION 2. Checks, Drafts, etc. All checks, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the district shall be signed by such officer or officers, agent or agents of the district and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by any Principal of the District.

SECTION 3. Deposits.

All funds of the district shall be deposited from time to time to the credit of the district in such banks, trust companies or other depositories as the Board of Directors may select.

SECTION 4. Gifts. The Board of Directors may accept on behalf of the district any contribution, gift, bequest or devise for the general purposes or for any special purpose of the district.

SECTION 5. Debts. The Board of Directors may move to issue bonds, notes or other obligations by the district, subject to the terms of The Atlanta Community Improvement District Act (1991 Ga. L. 3653, as amended) as detailed in Section 3-46 in incorporated into these by-laws by reference.

#### **ARTICLE VIII. BOOKS AND RECORDS**

The district shall keep correct and complete books and records of account and shall also keep minutes of the proceeding of its members, Board of Directors and committees having any of the authority of the Board of Directors.

#### **ARTICLE IX. FISCAL YEAR**

The fiscal year of the district shall begin on the first day of July and end on the last day of June in each year.

#### **ARTICLE X. WAIVER OF NOTICE**

Whenever any notice is required to be given under the provisions of the by-laws of the district, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

## **ARTICLE XI. MISCELLANEOUS**

**SECTION 1. Indemnification.** The district shall indemnify any Director, Principal, officer, or former Director, Principal or officer of the district against expenses actually and reasonably incurred by him or her in connection with the defense of any action suit, or proceeding, civil or criminal, in which he or she is made a party by reason of being or having been a Director, Principal, or officer, except in relation to matters as to which he or she is adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of duty to the district.

**SECTION 2. Dissolution.** L5P CID may be dissolved. The conditions for such dissolution shall be:

- (1) The adoption of a resolution approving dissolution of L5P CID by the city council of Atlanta;
- (2) The written consent to the dissolution of the community improvement district by:
  - a. A majority of the owners of real property within the district who are subject to taxes, fees, and assessments levied by the board of the district;
  - b. The owners of real property constituting at least 75 percent by value of all real property within the district who are to be subject to taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recently approved county ad valorem tax digest; and
- (3) The written consent provided for above shall be submitted to the Fulton or DeKalb County tax commissioner/ assessor, as applicable, who shall certify whether paragraph (2) of this subsection has been satisfied with respect to each proposed district dissolution.

In the event that successful action is taken pursuant to this section to dissolve the district, the dissolution shall become effective at such time as all debt obligations of the district have been satisfied. Following a successful dissolution action and until the dissolution becomes effective, no new projects may be undertaken, obligations or debts incurred, or property acquired.

Upon a successful dissolution action, all noncash assets of the district other than public facilities or land or easements to be used for such public facilities, shall be reduced to cash and, along with all other cash on hand, shall be applied to the repayment of any or all debt obligations of the district. Any cash remaining after all outstanding obligations are satisfied shall be refunded to each

property owner in direct proportion to the total amount in taxes, fees, or assessments paid by the property relative to the total revenues paid by all properties in the district.

When a dissolution becomes effective, the city governing authority shall take title to all public facilities or land or easements to be used for such public facilities previously in the ownership of the district and all taxes, fees, and assessments of the district shall cease to be levied and collected.

**SECTION 3. Sixth Year Reauthorization:** At the official caucus of electors at which board members are to be elected in the sixth year following creation of the district, and every sixth year thereafter, the question shall be put to the electors present to dissolve the community improvement district. Upon an affirmative vote of a majority of the electors present and voting, who shall represent at least 75 percent of the votes cast on the basis of value, the board shall send a ballot to each owner of property subject to taxes, fees, and assessments levied by the board for a vote on the dissolution. Upon receipt of ballots consenting to the dissolution from a majority of the property owners, who shall represent at least 75 percent of the assessed value of said properties, the board shall request dissolution by the city governing authority and shall forward said ballots to the Fulton or DeKalb County tax commissioner for certification.

**SECTION 4: Reactivation.** A district may be reactivated in the same manner as an original activation. (1991 Ga. Laws, page 3653, § 14)

**SECTION 5. Non-discrimination.** This district is an Equal Opportunity Employer and shall make available its services without regard to race, creed, age, sex, color, ancestry or national origin.

**SECTION 4. Conflicts.** L5P CID is authorized by the General Assembly of the State of Georgia in The Atlanta Community Improvement District Act (1991 Ga. L. 3653, as amended) based on the consent of the majority of the owners of real property within the district boundaries. In the event that any conflicts exist between these by-laws and the Atlanta Community Improvement District Act, the Atlanta Community Improvement District Act shall govern.

## **ARTICLE XII. AMENDMENTS TO BY-LAWS**

These by-laws may be altered, amended or repealed and new by-laws may be adopted by a majority of the Directors present at any regular meeting or at any special meeting, if at least two days' written notice is given of intention to alter, amend or repeal or to adopt new by-laws at such meeting.

### ARTICLE XIII. DEFINITIONS

As used in these by-laws, the term:

**"Board"** means the governing body created for the governance of each community improvement district herein authorized.

**"Caucus of electors"** means for each district the meeting of electors hereinafter provided for at which the elected board members of the district are elected. A quorum at such caucus shall consist of those electors present, and a majority of those present and voting is necessary to elect board members. No proxy votes may be cast.

**"City council"** means the Atlanta City Council.

"City governing authority or body" means the Atlanta City Council.

**"District"** means the geographical area designated as such by the resolution of the governing body consenting to the creation of the community improvement district or as thereafter modified by any subsequent resolution of the governing body within which the district is or is to be located, or a body corporate and politic being a community improvement district created and activated pursuant hereto, as the context requires or permits.

**"Electors"** means the owners of real property within the district which is then subject to taxes, fees, and assessments levied by the board, as appear on the most recent ad valorem real property tax return records of Fulton or DeKalb counties, or both, or one officer or director of a corporate elector, one trustee of a trust which is an elector, one partner of a partnership elector, or one designated representative of an elector whose designation is made in writing to the appropriate Fulton County or DeKalb County tax commissioner, on a form satisfactory to the commissioner, at least eight days prior to an election. An owner of property subject to taxes, fees, or assessments levied by the board shall have one vote for an election based on numerical majority, and one vote for each \$1,000.00 (or fraction thereof) in assessed value of the owner's property for an election based on value majority. An owner of multiple parcels has one vote, not one vote per parcel, for an election based on numerical majority, and one vote for each \$1,000.00 (or fraction thereof) in assessed value of the aggregate of the owner's properties subject to taxes, fees, or assessments levied by the board, for an election based on value majority. Multiple owners of one parcel have one vote for elections based on numerical majority, and one vote for each \$1,000.00 (or fraction thereof) in assessed value of the owners' property for elections based on value majority, which must be cast by one of their number who is designated in writing by such multiple owners as their elector.

"Equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property," with reference to taxes, fees, and assessments levied by the board, means that the burden of the taxes, fees, and assessments shall be apportioned among the properties subject thereto based upon the values established in the most recent ad valorem tax reassessment of such properties certified by the chairman of the Joint City-County (Atlanta-Fulton County) Board of Tax Assessors or DeKalb County Board of Tax Assessors, or may be apportioned among the properties subject thereto in direct or approximate proportion to the receipt of services or benefit derived from the improvements or other activities for which the taxes, fees, or assessments are to be expended, or may be apportioned in any other manner or combination of manners deemed equitable by the board, including but not limited to the recognition of differential benefit which may reasonably be expected to accrue to new land development in contrast to lands and improvements already in existence at the time of creation of the community improvement district.

**"Mayor"** means the mayor of the City of Atlanta.

**"Property owner"** or "owner of real property" means any entity or person shown as a taxpayer for one or more parcels of real estate on the most recent ad valorem tax records of Fulton County or DeKalb County, or both, within the district as certified by the appropriate Fulton County tax commissioner or DeKalb County tax commissioner. Multiple owners of one parcel shall constitute one property owner and shall designate in writing one of their number to represent the whole.

**"Taxpayer"** means any entity or person paying ad valorem taxes on real property, whether on one or more parcels of property within the district. Multiple owners of one parcel shall constitute one taxpayer and shall designate in writing one of their number to represent the whole.

**"Value"** or "assessed value" of property means the values established in the most recent ad valorem tax reassessment of such properties certified by chairman of the Joint City-County (Atlanta-Fulton County) Board of Tax Assessors or DeKalb County Board of Tax Assessors.