

BYLAWS OF THE SHELBY COUNTY BEER BOARD

(Last Amended 01/12/15; Effective 01/21/15)

ARTICLE I – NAME

The name of this body shall be the Beer Board of Shelby County, Tennessee.

ARTICLE II – AUTHORITY

The Beer Board of Shelby County, Tennessee (“Beer Board”) is a local voluntary committee authorized by the Shelby County Board of Commissioners to administer the laws relating to the sale of beer in Shelby County. Once established, the Beer Board is authorized to act on behalf of the County in all matters relative to the administration of the beer laws and may exercise the same discretion as the Shelby County Board of Commissioners to grant, deny, suspend or revoke permits to sell beer; to issue temporary or special events permits; and to impose civil penalties, within the limits of the authority granted by state law and related rules and regulations. The Beer Board has the exclusive power and authority to issue, suspend and revoke beer permits for establishments located within the unincorporated areas, subject to review by the courts. However, the Shelby County Board of Commissioners retains the sole authority to adopt distance rules or to extend hours for the sale of beer by its approval of a resolution.

ARTICLE III – DUTIES

The Shelby County Board of Commissioners shall promulgate such rules and regulations not inconsistent with state law, the Shelby County Charter, or any County ordinance, as it deems appropriate for the conducting of the business of the Beer Board. The Beer Board shall issue a permit to anyone who meets the requirements laid out by statute, but in no event may the Beer Board prescribe conditions for issuance of any permit in addition to those set out by statute.

ARTICLE IV – BOARD MEMBERSHIP

SECTION 1. Number; Qualifications. The Beer Board shall consist of a maximum of eight members. Seven members shall be voting members appointed by the Shelby County Board of Commissioners. All voting members shall be residents of Shelby County, Tennessee for at least one year prior to their appointment and for the duration of their term of service shall be at least 21 years of age, shall not hold any elected office of Shelby County or be employed by Shelby County Government, and shall not have been convicted within the past 10 years of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages; or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance; or any crime involving moral turpitude. One member shall be a member of the Shelby County Board of Commissioners who is appointed by the Chairman of the County Commission and shall serve as an ex-officio, non-voting member.

SECTION 2. Term Limit; Compensation. The term limit for member appointed to the Beer Board shall be determined by the requirements and restrictions established in County Ordinance Section 2-159. No member shall receive compensation for their service as a member of the Beer Board. The Beer Board members serve at the will and pleasure of the Shelby County Board of Commissioners. Therefore, the Shelby County Board of Commissioners has the power to discharge the Beer Board members and immediately replace them with or without cause.

ARTICLE V – MEMBERS

SECTION 1. Officers. Of the seven (7) members of the Beer Board, there shall be a Chairman and Vice-Chairman. The Shelby County Board of Commissioners shall appoint the Chairman and Vice-Chairman. The officers shall serve at the will and pleasure of the Shelby County Board of Commissioners.

SECTION 2. Term of Office. All members of the Beer Board shall serve terms of four (4) years. The Shelby County Board of County Commissioners shall appoint the Chairman of the Beer Board every two (2) years.

SECTION 3. Resignation. Any member may resign by giving written notice to the Chairman of the Beer Board and the Chief Administrator of the Shelby County Board of Commissioners. The resignation of the Chairman shall be by written notice to the Chief Administrator of the Shelby County Board of Commissioners or his designee. A member's resignation shall be effective at the next regular meeting of the Beer Board.

SECTION 4. Removal. Any member who fails to attend three (3) regularly scheduled meetings of the Beer Board within a twelve (12) month period for any reason other than good cause shown shall be removed from the Beer Board by the Shelby County Board of Commissioners.

SECTION 5. Vacancy in Office. In the event of a vacancy, whether by reason of resignation, removal, death, end of term or other cause, the vacancy shall be filled by the Shelby County Board of Commissioners.

SECTION 6. Duties of Chairman. The Chairman shall preside at all meetings, call special meetings as provided in these bylaws, and perform all other duties pertaining to the office.

SECTION 7. Duties of Vice-Chairman. The Vice-Chairman shall preside at meetings in the absence of the Chairman, assist in carrying out the duties of the Beer Board, and perform such other duties as requested by the Chairman.

SECTION 8. Quorum. A quorum of the Board shall consist of three (3) or more members present. A majority vote is necessary to constitute action by the Beer Board.

ARTICLE VI – CONFLICTS OF INTEREST

All members or other individuals acting for or on behalf of the Beer Board shall comply with all applicable conflict of interest laws, and any conflict of interest or ethics policies adopted by the Shelby County Board of Commissioners. In no case shall members of the Beer Board have an interest, directly or indirectly, in any business receiving a permit from the Beer Board. All members and individuals acting on behalf of the Beer Board shall honor a code of ethical behavior and practice that demonstrates the highest standards of integrity, truthfulness, patriotism, honesty and fortitude in all of their undertakings and shall avoid even an appearance of impropriety.

ARTICLE VII – PROCEDURES

The procedures of the Beer Board shall be governed by the Rules and Regulations of the Shelby County Beer Board and by the most current edition of Robert's Rules of Order. Where there is a conflict between the two, the Rules and Regulations of the Beer Board shall take precedence.

ARTICLE VIII – MEETINGS; MINUTES

SECTION 1. Meetings. The Beer Board shall hold one (1) regular meeting each month at a time fixed by the Shelby County Board of Commissioners through its approval of a resolution. The Beer Board may hold such special meetings as deemed necessary. Failure of any member to attend three (3) regularly scheduled meetings of the Beer Board during any twelve (12) month period for any reason other than good cause shown will result in that member's removal from the Beer Board by the Shelby County Board of Commissioners.

SECTION 2. Recognition. No member of the Beer Board shall be recognized by the Chairman unless the members be in their proper place. The member who shall first address the Chairman shall be the first to speak. When two (2) or more members shall address the Chairman at the same time, the Chairman shall name the member who shall speak first.

SECTION 4. Minutes. Minutes shall be kept of the meetings in permanent form. A record shall be kept of the action of the Beer Board with respect to every application for a permit, the granting and revoking of permits, citation hearings, or any other action by the Beer Board.

ARTICLE IX – MOTIONS; VOTING

SECTION 1. Motions. For passage, all motions shall require a positive vote by a majority of the membership of the Beer Board.

SECTION 2. Voting. All votes of the Beer Board must be by public vote, public ballot, or roll call.

ARTICLE X - PUBLIC RECORDS ACT; OPEN MEETINGS ACT

SECTION 1. Public Records Act. The minutes of the meeting must be recorded and open to public inspection.

SECTION 2. Open Meetings Act. Meetings at which the Beer Board considers applications for permits, granting and revoking of permits, citation hearings, and any other action by the Beer Board must be public hearings at which members of the public and their attorneys are allowed to speak. Under the Open Meetings Act (“Sunshine Law”), adequate public notice of the meeting must be given.

ARTICLE XI – AMENDMENTS

These bylaws may be amended by the Shelby County Board of Commissioners. A resolution setting out the proposed amendments must be approved by a majority vote of the Shelby County Board of Commissioners.

ARTICLE XII - DISSOLUTION

The Beer Board may be dissolved by the Shelby County Board of Commissioners. A resolution dissolving the Beer Board must be approved by a majority vote of the Shelby County Board of Commissioners. Upon dissolution of the Beer Board, the Shelby County Board of Commissioners may either establish a committee made up of County Commissioners or reestablish a Beer Board to conduct the business of the dissolved Beer Board.

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1. Adopted 03-26-07, Item No. 38.
 2. Amended 12-20-10, Item No. 8 (Article IV, Section 1).
 3. Amended 06-16-14, Item No. 17 (Article V, Section 4; Article VIII, Section 1).
 4. Amended 01-12-15, Item No. 15 (Article V, Section 4; Article VIII, Section 1; Article VIII, Section 3).
 5. Amended 09/21/15, Item No. 11 (Article IV, Section 1 and 2; Article V, Section 1).