

BYLAWS

NAMI LOWCOUNTRY

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BYLAWS

NAMI LOWCOUNTRY

ARTICLE I: NAME

The name of this organization is NAMI Lowcountry, doing business as (dba) NAMI Lowcountry (SC). NAMI is an acronym for National Alliance on Mental Illness. The organization serves Beaufort, Jasper, Hampton, Colleton and Allendale counties in the State of South Carolina.

ARTICLE II: PURPOSES AND NONPROFIT LIMITATIONS

Section 1: Purpose. The purpose of NAMI Lowcountry shall be to provide support, education and advocacy on behalf of persons with mental illness and their families.

Section 2: Non-Profit Status. NAMI Lowcountry shall be incorporated as a not-for-profit 501(c)(3) corporation under the laws of the state of South Carolina and shall meet the requirements of a tax-exempt organization under the provisions of the Federal Internal Revenue Code. NAMI Lowcountry is organized and operated exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and NAMI Lowcountry shall not, except in any insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes described in Section 1. NAMI Lowcountry may not carry on any activity for the profit of its officers, Directors, or other persons or distribute any gains, profits or dividends to its officers, Directors, or other persons as such. Furthermore, notwithstanding any other provision of these bylaws, NAMI Lowcountry shall not carry on any other activities not permitted to be carried on (i) by a corporation exempt from federal income tax under section 501(c)(3) of the Code, or (ii) by a corporation, contributions to which are deductible under section 170(c)(2) of the Code.

Section 3: Political Affiliations. NAMI Lowcountry shall be nonprofit and nonpartisan. No substantial part of the activities of NAMI Lowcountry shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and NAMI Lowcountry shall not participate in or intervene in any political campaign (including the publishing or distribution of statements) on behalf of, or in opposition to, any candidate for public office.

Section 4: Assets. The property of NAMI Lowcountry is irrevocably dedicated to charitable purposes. No part of the net income or assets of NAMI Lowcountry shall ever inure to the benefit of any of its members, Directors or Officers, or to the benefit of any private person, except that NAMI Lowcountry is authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purpose set forth in Section 1.

ARTICLE III: RELATIONSHIP WITH NAMI

Section 1: Legal Status. NAMI Lowcountry is an affiliate of the NAMI and a member of NAMI South Carolina and exists for the purposes of accomplishing, at the local level, the goals of NAMI-National and NAMI-SC in accordance with their policies. NAMI Lowcountry is a self-governing organization with independent legal existence.

Section 2: Affiliation. The relationship among NAMI Lowcountry, NAMI and NAMI South Carolina and their respective duties, obligations and responsibilities are set forth in the “Incorporated Affiliate Agreement” executed by NAMI Lowcountry and NAMI and included herein by reference.

Section 3: Conflicts. Where conflicts exist between these NAMI Lowcountry Bylaws, hereafter called Bylaws, and the “Incorporated Affiliate Agreement” or the Bylaws of NAMI or NAMI South Carolina, the Bylaws of NAMI and NAMI South Carolina shall prevail.

ARTICLE IV: FISCAL YEAR

The fiscal year of NAMI Lowcountry shall be from January 1 through December 31.

ARTICLE V: MEMBERSHIP

Section 1: Membership. NAMI Lowcountry shall admit as members only those persons who are eligible for membership as prescribed by NAMI. A member must have paid and be current with annual dues set by NAMI to be an active member. Membership is effective when dues set by NAMI are received and recorded by NAMI and are effective for one year from that date. Members of NAMI Lowcountry automatically become members of NAMI and NAMI South Carolina. The terms and conditions of membership in NAMI Lowcountry shall be the same as those of NAMI. Lapsed members, i.e. members who do not renew their membership on an annual basis, may be reinstated as active members by paying dues. Membership in NAMI Lowcountry shall be made available without regard to race, color, creed, or national origin.

Section 2: Rights of Members. Active Members have certain voting rights, which are solely to:

- a. Elect individuals, hereafter called Directors, to the NAMI Lowcountry Board of Directors, hereafter called the Board, and
- b. Approve revisions to the NAMI Lowcountry Bylaws.

Section 3: Meetings of the Membership.

Section 3.1: Annual Meeting. An Annual Meeting of NAMI Lowcountry members shall be conducted once per year at the end of the fiscal year. The purpose of the Annual Meeting is to disseminate information about NAMI Lowcountry to the membership and conduct the official business of NAMI Lowcountry. This includes approving the slate of members of the Board, hereafter called Directors, presented by the Nominating Committee as well as approval of any revisions to the Bylaws. Voting for Directors shall be by ballot if there are more nominees than the required number of Director vacancies or if Bylaw changes are being considered. A majority of active members who are present shall be required for both the approval of Directors and Bylaw changes.

Section 3.2: Special Meetings. Special meetings of the membership may be called by the NAMI Lowcountry President, hereafter called the President; a majority of the Board; or a petition of one-fourth of the active membership. A minimum of ten (10) days written notice to all active NAMI Lowcountry members shall be given before convening a special meeting.

ARTICLE VI: BOARD OF DIRECTORS

Section 1: Composition. The composition of the Board shall represent a balance of individuals sympathetic to the needs of the mentally ill and professionals who have expertise relevant to serving persons with mental illness. A Director shall be an active member of NAMI Lowcountry. The Board shall consist of not less than nine (9) and not more than fifteen (15) Directors. The exact number shall be determined by the Board. One (1) member of the Board shall be designated by the NAMI Lowcountry Peer Leadership Council.

Section 2: Director Terms of Service. Directors are elected by the membership at the Annual Meeting and shall take office at the close of the Annual Meeting. Directors shall serve for a term of four (4) years and may be reelected for one (1) successive term. A Director may serve additional terms after being off the board for one (1) year. The terms of Directors may be staggered.

Section 3: Removal of Directors and Officers. The Board may replace any Director or Officer at any time who fails to perform his/her duties or becomes incapacitated without approval of the membership.

Section 4: Responsibilities. The Board shall:

- a. Conduct all official business of NAMI Lowcountry in accordance with these Bylaws
- b. Approve the annual budget
- c. Elect its Officers
- d. Call special meetings of the Board
- e. Develop a strategic plan
- f. Certify the accuracy of financial reports on an annual basis,

- g. Approve all policy matters regarding cooperation with other agencies and organizations.
- h. Request support from the NAMI Lowcountry Advisors or by direct contact or through consultation with the NAMI Lowcountry Executive Director, hereafter called the Executive Director, or the President.

Section 5: Vacancies. The Board may fill a vacancy on the Board at the resignation of a Director or if the number of Directors falls below the required number of nine (9). Prospective Directors are entitled to attend Board meeting while awaiting election but are not entitled to vote.

Section 6: Board Meetings.

Section 6.1: Frequency of Meetings. Regular meetings of the Board shall be held quarterly at a minimum. Nothing in these Bylaws shall prohibit the Board to meet on a more regular basis if deemed appropriate or necessary. Special Board meetings may be called by the President or by request from three (3) Directors as required to address matters that must be resolved before a regularly scheduled Board meeting. Meetings of the Board are open to any active member or members of the public invited by a Director or the Executive Director.

Section 6.2: Quorum and Voting.

- a. A majority of the Board shall constitute a quorum at any meeting
- b. Except as provided below, the affirmative vote of a majority of the Directors present at a meeting shall be sufficient to approve an act of the Board
- c. The following actions shall require the affirmative vote of 2/3 of the Directors:
 - i. Hire or remove the Executive Director
 - ii. Elect a new Director to fill a vacancy as specified in Section 5 above
 - iii. Sell, lease, mortgage or dispose of the NAMI Lowcountry real property
 - iv. Dissolve NAMI Lowcountry
 - v. Remove a Director or Officer

Section 7: Compensation. NAMI Lowcountry shall not compensate any Director for services rendered to NAMI Lowcountry. Directors may be entitled to reasonable reimbursement of expenses incurred in the performance of their duties to NAMI Lowcountry. Reimbursement to a Director shall be approved by the President or Treasurer.

ARTICLE VII: OFFICERS

Section 1: Officers and their Election.

- a. The Officers of NAMI Lowcountry shall be a President, a Vice President, a Treasurer, and a Secretary.
- b. Officers shall be elected by the Board by a majority vote. Immediately after the Annual Meeting and prior to the first regular Board meeting the Directors will meet to elect Officers.

- c. The Officer term shall be for one (1) year. Officers may be elected for successive years, but in no case, shall an Officer serve in the same position for more than five (5) consecutive years.
- d. Voting shall be by ballot if there is more than one (1) nominee for an office.

Section 2: Responsibilities.

- a. The President shall:
 - i. Preside at all meetings of members, the Board, and the Executive Committee
 - ii. Have responsibility for the general supervision of NAMI Lowcountry.
 - iii. Send notice of the Annual Meeting with a proposed agenda to all members at least thirty (30) days before the meeting.
 - iv. Appoint all Standing Committees except the Nominating Committee.
 - v. Be an ex-officio member of all committees except the Nominating Committee.
 - vi. May appoint a Parliamentarian, subject to the approval of the Board.
- b. The Vice-President shall:
 - i. Act as an aide to the President and assume the duties of the office in the absence of the President.
 - ii. Perform further duties as determined by the President and the Board.
- c. The Treasurer shall:
 - i. Be responsible for all funds, securities, and other properties of NAMI Lowcountry, for receiving and giving receipts for monies due and payable to the organization from any source whatsoever, for depositing such monies in the name of the organization in such banks, trust companies, or other depositories as shall be designated by the Board, and for disbursing the funds in accordance with the approved budget and upon direction of the Board.
 - ii. Present a financial statement at all meetings of the Board and at other times when requested to do so by the President; make a financial report at the Annual Meeting.
 - iii. Assure that the financial accounts of NAMI Lowcountry shall be audited or otherwise reviewed from time to time as directed by the Board by an independent agent approved by the Board.
 - iv. Present a proposed budget for the next fiscal year for approval of the Board at the final meeting of the fiscal year.
 - v. Chair the Finance Committee.
 - vi. In general, perform all duties incident to the Office of Treasurer and such other duties as may from time to time be assigned by the Board or President.
 - vii. Along with other persons authorized to deposit, withdraw and disburse funds be bonded in an amount determined by the Board. The cost of the bond shall be borne by NAMI Lowcountry
- d. The Secretary shall:
 - i. Record minutes of meetings of the membership, the Board, the Executive Committee and others, as requested.

- ii. Arrange for placing an initial, unapproved copy of the minutes of such meetings in the hands of each Director in a timely manner.
- iii. Be responsible for correcting minutes as directed by the Board and for filing amended and approved minutes in the NAMI Lowcountry files.
- iv. Conduct such correspondence as the President, the Board, or the Executive Committee may direct
Collect, consolidate, and maintain all Board policies and procedures.
- e. All Officers shall:
 - i. Perform the duties prescribed in the parliamentary authority in addition to those outlined in the bylaws and those assigned from time to time.
 - ii. Deliver to their successor all official material within twenty (20) days following the expiration of their term of office
- f. Succession of Officers: In the case of the absence or inability of the President to discharge the duties of the office, the Vice-president, the Treasurer, and the Secretary in this order shall perform such duties.

ARTICLE VIII: EXECUTIVE COMMITTEE

Section 1: Composition. The Executive Committee is a standing committee of NAMI Lowcountry. The Officers of NAMI Lowcountry shall constitute the Executive Committee.

Section 2: Meetings. The Executive Committee shall meet at the call of the President or upon request of three (3) members of the Executive Committee. A quorum of the Executive Committee shall consist of three (3) members.

Section 3: Responsibilities. The Executive Committee shall:

- a. Transact all business referred to it by the Board, provided the action of the committee does not conflict with that of the Board
- b. Act in emergencies between meetings of the Board
- c. Make recommendations to the Board on matters of administration and policy
- d. Make a report at each meeting of the Board.
- e. Have responsibility for orientation and training of Directors.

ARTICLE IX: OTHER COMMITTEES

Section 1: Standing Committees.

Section 1.1: Nominating Committee. Prior to the Annual Meeting the Board shall convene a Nominating Committee consisting of three (3) members appointed by the Governance Committee. The Nominating Committee shall identify candidates for the Board and present such candidates to the membership at the Annual Meeting. At least one (1) member of the Nominating Committee shall be a member of the Board and chair the Nominating Committee. The Nominating Committee shall:

- a. Recommend a slate of Directors at the Annual Meeting

- b. Recommend a slate of Officers to the Board
- c. Oversee the search process for NAMI Board candidates.

Section 1.2: Governance Committee. The Governance Committee shall:

- a. Appoint members to the Nominating Committee
- b. Review NAMI Lowcountry Bylaws and make recommendations for amendments or changes to these Bylaws.
- c. Supervise annual Director elections and certify the results of these elections.
- d. Establish policies concerning roles and responsibilities of Directors.
- e. Oversee compliance with requirements set forth in the NAMI Lowcountry Bylaws.

Section 1.3 The Finance Committee. The Finance Committee shall be chaired by the Treasurer and shall:

- a. Review all actions involving monies, securities and other financial assets of the NAMI Lowcountry
- b. Ensure judicious execution of financial activities
- c. Oversee management's implementation of internal controls for the organization
- d. Review quarterly internal financial statements
- e. Review annual budgets for adherence to program and policy priorities as identified by the Board

Section 2: General Committee Provisions.

- a. Committee chairpersons shall be appointed by the President with approval of the Board.
- b. Committees shall consist of three (3) or more members of NAMI Lowcountry, which shall have and may exercise such powers and authority as may be delegated to it by the Board.
- c. Except as may otherwise be provided by these Bylaws, the members of each Committee shall be approved by and shall serve at the pleasure of the Board. At least one (1) member of each committee shall be a member of the Board.

Section 3: Ad Hoc Committees. In addition to such committees specifically provided for, the President with approval of the Board may appoint ad hoc committees, as the need arises, to carry out a specified task, at the completion of which, such committee automatically ceases to exist.

ARTICLE X: TRANSACTIONS WITH DIRECTORS AND OFFICERS

Section 1: Interested Party Transactions. Except as described in Section 2 below, NAMI Lowcountry shall not be a party to any transaction in which one or more of its Directors has a direct or indirect interest, as defined in Section 33-31-831 of the South Carolina Nonprofit Corporation Law.

Section 2: Requirements to Authorize Interested Party Transactions. NAMI Lowcountry shall not be a party to any transaction described in Section 1 unless:

- a. The transaction is fair to NAMI Lowcountry at the time the transaction is entered into; and
- b. The transaction is:
 - i. Authorized, approved, or ratified by the vote of a majority of all Directors then in office or the vote of a majority of all members of a committee, if the material facts of the transaction and the Director's interest are disclosed or known to the Board or committee and the Directors approving the transaction in good faith reasonably believe that the transaction is fair to NAMI Lowcountry; or
 - ii. Approved before or after it is consummated by obtaining approval of the South Carolina Attorney General ("Attorney General") or the circuit court for Richland County, South Carolina, in an action in which the Attorney General is joined as a party.

Section 3: Loans and Advances. NAMI Lowcountry shall not make any loan of money or property to or guarantee the obligation of any Director or officer; except that NAMI Lowcountry may advance money to a Director or officer for expenses reasonably anticipated to be incurred in the performance of duties of such Director or Officer, if in the absence of such advance, such Director or Officer would be entitled to be reimbursed for such expenses by NAMI Lowcountry.

ARTICLE XI: ADVISORS

Section 1: Definition. NAMI Lowcountry Advisors are a group of volunteers that advise the Executive Director, the Board, or individual Directors on matters important to the operation and governance of NAMI Lowcountry.

Section 2: Selection and Terms of Service. Advisors may be identified by a Director or the Executive Director and may be added or removed at any time with approval of the President. Advisors have no specified length of service.

Section 3: Authorities. Advisors have no authority to govern NAMI Lowcountry and do not have authority to make policy or issue directives that govern NAMI Lowcountry.

Section 4: Compensation. Advisors shall not be compensated for their services. Advisors may be entitled to reasonable reimbursement of expenses incurred in the performance of their duties to NAMI Lowcountry. Reimbursement to Advisors shall be approved by the President or Treasurer.

ARTICLE XII: EXECUTIVE DIRECTOR

Section 1: Employment of Executive Director. The Board may employ an Executive Director as necessary to manage the affairs of NAMI Lowcountry. When the Executive Director position is vacated, the Executive Committee shall conduct a search and recommend to the Board a new Executive Director. The responsibility to hire or remove an Executive Director rests with the Board. The Executive Director reports to the Executive Committee.

Section 2: Performance Evaluation and Compensation. The President shall perform performance evaluations of the Executive Director and make compensation recommendations to the Board. The Board shall be responsible for final approval of the performance evaluation and recommended compensation.

Section 3: Responsibilities. Executive Director responsibilities shall include the following at a minimum:

- a. Manage the day to day operation of NAMI Lowcountry, including supervision of paid staff, contract employees and volunteers
- b. Be responsible for fundraising activities and member enlistment and management
- c. Work with the Board to hire and/or remove employees deemed necessary to further the interests of NAMI Lowcountry. Ultimate authority for hiring and removal of employees shall be held by the Board.
- d. Implement the strategies, objectives, policies and procedures of NAMI Lowcountry
- e. Provide a report at Board meetings to include a review of progress on ongoing projects and discussion of significant issues affecting day to day management of NAMI Lowcountry.
- f. Manage finances as a fiduciary of NAMI Lowcountry
- g. Sustain a positive presence of NAMI Lowcountry at the local, state and national levels.
- h. Exercise such authority and perform such duties as the Board may from time to time assign

ARTICLE XIII: DISSOLUTION

If for any reason, NAMI Lowcountry is dissolved, all monies remaining in any bank accounts of NAMI Lowcountry and all real estate and other assets shall be given and/or deeded to NAMI South Carolina.

ARTICLE XIV: INDEMNIFICATION

Section 1: General. In the event that any person who was or is a party to or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (a "Proceeding"), seeks indemnification from NAMI Lowcountry against expenses, including attorneys' fees (and, in the case of actions other than those by or in the right of NAMI Lowcountry, judgments, fines and amounts paid in settlement), actually and reasonably incurred by him or her in connection with such Proceeding by reason of the fact that such person is or was a Director, officer, employee, or agent of NAMI Lowcountry or is or was serving at the request of NAMI Lowcountry as a Director, officer, employee or agent of another corporation, partnership, joint venture, trust, or other enterprise (an "Agent"), then, unless such indemnification is ordered by a court, NAMI Lowcountry shall determine in the manner provided under Sections 33-31-850 through 33-31-858 of the South Carolina Nonprofit Corporation Act whether or not the Agent has met the applicable standards of conduct set forth in the South Carolina Nonprofit Corporation Act and whether, therefore, indemnification is proper under the circumstances; and, to the extent it is so determined that such

indemnification is proper, the Agent claiming such indemnification shall be indemnified to the fullest extent now or hereafter permitted by South Carolina law.

Section 2: Expenses. Expenses incurred in defending any Proceeding may be advanced by NAMI Lowcountry before the final disposition of the Proceeding on receipt of an undertaking by or on behalf of the Agent seeking indemnification to repay the amount of the advance if it is ultimately determined that the Agent is not entitled to be indemnified as provided in this Article XIII.

Section 3: Insurance. The Board may authorize the purchase and maintenance of insurance on behalf of any Agent against any liability asserted against or incurred by any Agent in such capacity or arising out of the Agent's status as such, whether or not NAMI Lowcountry would have the power to indemnify the Agent against the liability under the provisions of this Article XIII. (?)

ARTICLE XV: PARLIAMENTARY AUTHORITY

The rules contained in the current edition of The Modern Rules of Order, 1992 Edition shall govern NAMI Lowcountry in all cases in which they are applicable and in which they are not in conflict with these Bylaws and the Bylaws of NAMI or the Articles of Incorporation.

ARTICLE XVI: AMENDMENT OF BYLAWS

These Bylaws may be amended by a majority vote of the membership in attendance at the Annual or Special meeting as prescribed in ARTICLE V, Section 3 provided that: Proposed amendments have been first approved by the Board and subjected to the provisions contained in the NAMI Lowcountry Incorporated Affiliate Agreement. Proposed amendments shall be presented in writing to the membership not less than thirty (30) days prior to the date of the vote. Amendments may be proposed by any member of NAMI Lowcountry.

Dick Males
President, Board of Directors
NAMI Lowcountry

APPENDIX: GLOSSARY

Annual Meeting: A once yearly meeting of the NAMI Lowcountry membership where official business is conducted that is authorized by these Bylaws and where information is disseminated about NAMI Lowcountry of interest to the membership.

Advisors: NAMI Lowcountry Advisors are a group of volunteers that advise the Executive Director, the Board of Directors at large, or individual Directors on matters important to the operation and governance of NAMI Lowcountry.

Board or Board of Directors: The governing body of NAMI Lowcountry composed of between nine (9) and fifteen (15) persons that is authorized to conduct the official business of NAMI Lowcountry.

Board of Directors Meeting: Any official meeting of the Board of Directors by whatever means – in person, by telephone or by other electronic means.

Consumer: An individual who has the lived experience of having a mental illness,

Director: A member of the NAMI Lowcountry Board of Directors, elected at the annual meeting or appointed by the Board to fill a vacancy.

NAMI: The national organization of the National Alliance on Mental Illness (NAMI) under which NAMI Lowcountry operates through an “Incorporated Affiliate Agreement”.

NAMI Lowcountry: An affiliate of NAMI and NAMI-South Carolina serving the counties of Beaufort, Jasper, Hampton, Colleton and Allendale in the State of South Carolina.

NAMI Lowcountry Member: Members are persons who are eligible for membership as prescribed by NAMI and have paid and be current with annual dues set by NAMI to be a member. Members of NAMI Lowcountry automatically become members of NAMI and NAMI South Carolina.

- *Active members* are those members who are current with their dues.
- *Lapsed members*, i.e. members who are not current with their dues, may be reinstated as active members by paying dues.

NAMI South Carolina: The NAMI state organization of which NAMI Lowcountry is a member.

Officers: The President, Vice President, Treasurer and Secretary, elected by the Directors at the first meeting of the Board after the annual meeting.

Peer Leadership Council: The NAMI Peer Leadership Council (formerly the Consumer Council), made up of people who have the lived experience of having a mental illness, is an advisory body to the Board of Directors. The Peer Leadership Council I has one voting Director. The purpose of the Peer Leadership Council I is to advance the activities and involvement of the consumer membership of NAMI Lowcountry by actively participating in advocacy issues and program development.