

I the undersigned have reasonable suspicion to believe that Mayor Sean Denison has violated Article V. Sec. 2-133 (c) of the Buchanan City Charter of 1948. He violated our City Charter when he suspended [Benjamin D. Eldridge](#), without a Notice of Hearing and a full vote of the City Commission. Our constitutional recourse for those who elected him as a City Commissioner is to recall him as a City Commissioner. That process is in motion.

1) The City Commission must call on Sean Denison to resign for violation of Buchanan's Charter, the first mayor in 75 years to usurp the powers of and remove a City Manager. The current City Commission has a responsibility to the City Charter they were elected to serve.

2) Mayor Sean Denison also violated MCL 15.263(1), (2) and (3), that requires decisions be made at a public meeting. Failure to give notice in accordance with section 5 has interfered with substantial compliance and impaired the rights of the public under the Open Meeting Act. Complaint #23-27566 has been filed with the Berrien County Sheriff's Department under Michigan Law (the Open Meeting Act).

3) Mayor Denison also violated Michigan's Bullard-Plawecki Employee Right to Know Act 397 of 1978 by refusing Mr. Eldridge access to the grievances against him.

Mayor Denison has violated the Charter of the City of Buchanan. This Charter clearly states that the City Manager runs the City. One City Commissioner, even if the ceremonial mayor, cannot suspend or fire a city manager. Only a majority of the City Commissioners in a meeting properly Noticed under the Open Meeting Act can remove a City Manager the majority of the City Commission hired. A single City Commissioner does not have power to "suspend" the City Manager; whatever that City Commissioner intends that single person action to mean is irrelevant.

The following is based a new contribution to the Buchanan Archives by former Clark Equipment Chief Counsel Don Ryman.

Prior to Bob Strayer in 1948, Buchanan's mayors ran the day to day operations, including hiring and firing of employees and money expenditures of the City. However, a City Manager should do the day to day running of the City, and Bob was busy day to day as a full-time dentist. Legendary City Attorney B. R. Desenberg and Bob Strayer and others introduced the present City of Buchanan Charter, approved by the voters, which provides, following the Dayton model, that the City Manager will do these things.

Honoring the 1948 charter, succeeding Mayors accepted the mayor position as a ceremonial adjunct to their election by the other City Commissioners as their Chairman. Ken Witt, for example, recognized the City Manager as the CEO of the City as George Spatta was CEO of his employer Clark Equipment Company.

Every Buchanan Mayor accepted the ceremonial character of the title, and functioned as a City Commissioner who ran the commission meetings and took a strictly ceremonial role.

Until Sean Denison.

Among other mayors, Ken Witt, Dick Gault, Miriam Hassan, Ray Berry, and Deborah Seager, who was a Berrien County lawyer, all understood the position of the City Manager under the Buchanan City charter.

Section 4.2. - The City Commission.

The electors of the City shall elect a City Commission of five members, one of whom shall serve as Mayor, which Commission shall constitute the legislative and governing body of the City and which shall have power and authority, except as in this Charter otherwise provided, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

Section 4.6. - Duties of Mayor.

(a)
Insofar as required by law, and for all ceremonial purposes, the Mayor shall be recognized as the head of the City. He shall have an equal voice and vote in the proceedings of the Commission, but shall have no veto power. He shall be the presiding officer of the Commission.

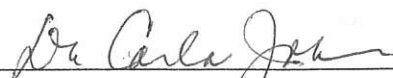
Section 4.9. - Functions and Duties of City Manager.

The functions and duties of the City Manager shall be:

- (a)
To see that all laws and ordinances are enforced;
- (b)
To appoint with the consent of the Commission the heads of all City departments except the City Attorney and City Treasurer and to remove such department heads without the consent of the Commission;
- (c)
To manage and supervise all departments, public improvements, works and undertakings of the City.

The City Charter is NOT a state law. It is the Constitution of the City of Buchanan. As with the U.S. Constitution and the State constitutions, it expresses the will of the people and details what the governmental system will be and how the powers of this government can and cannot be exercised. As with all systems in the United States, it is to be a government of, for, and by the people.

This complaint and request for a hearing has been signed by



Date 1-8-2024

Carla Jackson Johnson, Ph.D.
729 North Detroit Street
A citizen and qualified voter of the City of Buchanan, Michigan

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JAN 08 2024

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CITY CLERK'S OFFICE

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