



This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers [here](#) or use the "Reprints" tool that appears above any article. [Order a reprint of this article now.](#)

NORTH PORT

Judge rules ex-commissioner can run again

By [Michael Scott Davidson](#)

Published: Wednesday, March 23, 2016 at 6:33 p.m.

Former North Port City Commissioner Vanessa Carusone will be allowed to run for a third term in office, ending a months-long legal battle with the city that Carusone called a "complete waste" of taxpayer money.

Circuit Judge Brian Iten ruled Wednesday that language in North Port's city charter defining term limits does not prohibit Carusone from running. Carusone said she filed her candidacy for District 1 seat late Wednesday afternoon.

The ruling also opens the door for other former city commissioners who have already served two terms to enter the race, unless they have just served two consecutive terms. City Attorney Mark Moriarty said he does not expect the city will appeal the decision.

North Port's city charter states commissioners "may serve for no longer than two consecutive full terms inclusive of terms prior to 2012."

Iten concluded the term "consecutive" meant that Carusone, who served from 2002 through 2010, could serve again as city commissioner because she sought an additional, non-consecutive term.

Carusone is the third candidate to file for the District 1 seat. Nicholas Trolli Sr. and Cory Hutchinson have also filed.

While the ruling will affect this year's City Commission election and possibly future elections, residents could decide this fall if they want to remove the term "consecutive" from North Port's city charter.

On Tuesday, city commissioners were presented proposed amendments to the charter from the city's Charter Review Advisory Board. One proposed change would alter the charter's definition of term limits.

City Commissioners voted to continue the proposal, which will now be voted on as an ordinance. If the ordinance is passed in time, the proposed change will be put on the ballot for either the city's primary or general election.

Carusone first attempted to file on Sept. 11, but City Clerk Helen Raimbeau refused to let her file for candidacy because she had already served two full terms as a commissioner.

North Port sought an independent legal opinion from Sarasota law firm Bentley & Bruning on the city charter's language. Attorney Morgan R. Bentley agreed with Carusone.

But instead of letting the former city commissioner file, North Port filed a complaint against Carusone in the 12th Judicial Circuit Court. The city sought a declaratory judgment to settle what its charter's language meant.

"What the city wants is certainty," Blalock Walters attorney Fred Moore told Judge

Iten.

On Wednesday, the issue that had taken more than seven months to resolve, was determined in about 90 minutes.

Raimbeau was the city's sole witness. Carusone was her own sole witness.

Moore argued that the charter's language did not allow Carusone to file.

“If the drafters of the charter intended to allow a person to serve two terms and then sit out a term and run again, it should have been expressly provided. It was not,” he said.

Carusone's attorney, Andrea Mogensen, told Iten that the charter's language “is plainly limiting consecutive terms, but not all terms.”

Iten based his ruling on an unpublished legal opinion from a Connecticut case, *Citizens For Fair Government v. Board of Selectmen*.

North Port spent \$2,417.50 for Bentley and Bruning's legal opinion. It has spent \$7,850.80 so far for legal services from Blalock Walters, not including services provided in March.

Carusone called the expenses “a complete waste of money.”

“It was clear to me and clear to most legal authorities, that the word 'consecutive' had a meaning to it,” she said. “Had our city attorney and city clerk done what they were supposed to do, this would have not been an issue.”

Mogensen said she was pleased with the ruling.

“Having more candidates is better for a democracy,” she said.

Copyright © 2016 HeraldTribune.com — All rights reserved. Restricted use only.