



Changing the language will help to reduce abuse, exploitation, or abandonment by an owner.

Staff finds that most pet owners take care of, love and nurture their pets and consider them part of their family. Changing the term to "owner/guardian" will not change how the majority of the pet owning population feels about their pets. There is a small percentage of the population that does not care about their pets and will not change their behavior based on a word change. There are current state and local laws that are enforced by the Pasadena Humane Society to deal with the mistreatment of animals. The Pasadena Humane Society believes that humane education is a method of teaching that would instill compassion in others and kindness and respect for all life.

2. Supporters of the language change claimed that this may help to reduce the number of animals bred in "puppy mills" and also may help to reduce animal overpopulation.

Staff found that this claim has not been supported by any study in those cities that have adopted the language change. The Pasadena Humane Society has an effective low-cost spay/neuter program for the public as a tool for controlling unwanted animals and overpopulation.

The Pasadena Humane Society cannot support the amendment to the municipal code for several reasons. First, captured stray and relinquished animals become the property of the Pasadena Humane Society. This allows PHS to treat, neuter and euthanize the animals. A guardianship designation could result in legal and practical confusion – is the shelter the "legal guardian" or merely a temporary holding facility? Since "guardians" must act in the best interest of the animal, the animal shelters and its workers may be held liable for any breach in acting in the animal's best interest.

Secondly, it may become more difficult for PHS to obtain the services of veterinarians to perform medical procedures, since it will not be clear who has the legal authority to authorize or pay for the care. Finally, under guardianship laws, the state has primary responsibility to oversee the guardian-ward relationship vs. limited oversight responsibility under existing property laws. PHS could be subject to greater scrutiny in overseeing and selecting guardians, for example, during an adoption.

The California Veterinary Medical Association (CVMA) believes the change is not necessary and would confuse the public in regards to animal ownership. CVMA argues that there is no evidence that the name change will actually improve the quality of life of animals. The CVMA is also concerned that monetary awards to guardians for harm or death caused to companion animals will increase. This could have an impact on veterinarians and others who provide care to animals, including animal shelters. The additional cost for animal care would be passed on to clients, who might not be able to afford veterinary or other care.

It is recommended that the City Council not take any action to amend Title 6 (Animals) of the Pasadena Municipal Code related to the term "pet owner". The goals of the Guardian Campaign are noteworthy, but will do little to change attitudes. There are

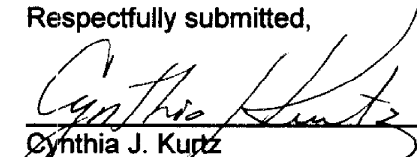
CITY COUNCIL  
Animal Guardian Campaign  
August 2, 2004

adequate state and local laws being enforced by the Pasadena Humane Society to protect animals from abuse and mistreatment.

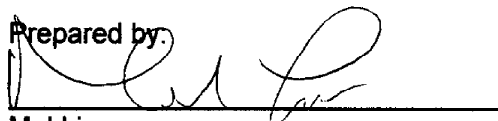
**FISCAL IMPACT**

There is no fiscal impact as a result of this recommendation.


Respectfully submitted,

  
Cynthia J. Kurtz  
City Manager

Prepared by:

  
Mel Lim  
Environmental Health Division Manager

Approved by:

  
Wilma J. Allen, Director  
Public Health Department