Agenda Report

TO: CITY COUNCIL **DATE:** August 2, 2004

THROUGH: PUBLIC SAFETY COMMITTEE

FROM: CYNTHIA J. KURTZ, CITY MANAGER

SUBJECT: **ANIMAL GUARDIAN CAMPAIGN**

RECOMMENDATION:

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".

BACKGROUND:

At the December 19, 2003, Special Meeting of the Public Safety Committee, an oral presentation was made by the City Attorney regarding use of the term animal "owner/guardian" in Title 6 (Animals) of the Pasadena Municipal Code. Request for the language change came from members of the In Defense of Animals (IDA) organization, an international non-profit animal protection organization, in collaboration with The Guardian Campaign.

The Guardian Campaign was created in 1999 as a nationwide platform to reflect a growing public support, for a redefined public standard of relationship to animals. Historically, animals were recognized in legal terms as mere commodities, or property not as individual beings, and often their exploitation and abuse have been ignored, rationalized, and even justified by these definitions. The term "guardian" has been used more recently by animal protection organizations, instead of "owner", to better reflect humane relationships with dogs, cats, and other companion animals.

The Guardian Campaign has cited several benefits to the community if Pasadena adopts the language change. Staff has analyzed each of the benefits as to the merit of the benefits and whether the language change would be a significant benefit to the community.

1. The Guardian Campaign states that the owner/guardian language will help to recognize animal companions as living beings, not commodities or things.

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

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

CVMA CALIFORNIA VETERINARY MEDICAL ASSOCIATION

1400 River Park Drive Suite 100
Sacramento, CA 95815-4505
916-649-0599
fax 916-646 9156
staff@cvma.net
www.cvma.net

July 13, 2004

VIA FACSIMILE
(626) 744-3921

Mr. Enrique Martinez
Assistant City Manager
PASADENA PUBLIC SAFETY COMMITTEE
117 Colorado Blvd.
6th Floor
Pasadena, CA 91109

Dear Mr. Martinez:

The California Veterinary Medical Association (CVMA) remains strongly opposed to the proposed Pasadena ordinance changing the terminology from pet "owner" to "owner/guardian." We understand this issue is on your agenda and will be heard in the Public Safety meeting on Monday, July 19th. Please list the CVMA in opposition to the proposed ordinance for agenda purposes.

The following signed petitions were sent to the CVMA, and represent local Pasadena city residents, and voters, who are also strongly opposed to your ordinance. They are concerned for the welfare of their pets and do not want to see any confusion created by an unnecessary change in the law.

We would respectfully request that the members of Pasadena's Public Safety Committee vote "NO" on this ordinance, and consider that a simple change in terminology offers no real benefit to the pets living in our communities. Instead, it will lead to confusion and possible legal problems for the pet-owning families residing in Pasadena.

Thank you for your attention to this matter.

Sincerely,

Valerie R. Fenstermaker

Valerie Fenstermaker
CVMA Executive Director

CVMA

OWNER-GUARDIAN PETITION

CITY OF PASADENA

A group of animal rights activists is petitioning the Pasadena City Council to change the legal definition of pet "owner" to pet "owner/guardian." The Southern California Veterinary Medical Association and the California Veterinary Medical Association, along with a number of national pet organizations, warn that changing the definition has the potential to greatly confuse the legal rights and responsibilities of all pet owners.

CHANGING CITY CODE LANGUAGE FROM "OWNER" TO "OWNER/GUARDIAN" COULD HAVE *SERIOUS AND COSTLY LEGAL CONSEQUENCES.*

We the undersigned, respectively urge the Pasadena City Council to VOTE NO on the proposed ordinance to change the language in the city codes from "owner" to "owner/guardian".

PRINTED NAME	SIGNATURE	ADDRESS
Mary D. Nieves		PO Box 52303 Pasadena, Ca 91115
DANIEL RODRIGUEZ		138 W. Aves 45 LA Ca 90065
Beverly Lo	Beverly Lo	1986 E. Foothill Blvd Pasadena, CA 91107
Raymond Garcia		1766 Shadz Oak Azusa CA 91702
Regina Yankus	Regina Yankus	1766 Shady Oak, Azusa 91702
JULIE HAYNES	Julie Haynes	1220 TROPICANA AVE PASADENA, CA 91107
FRANK G. DIEGMANN		91001 LOBO PINECREST ALTADENA, CA
Ruth Hodges	Ruth Hodges	2331 Sandia Glen Rowland Hts CA 91748
JORDAN KESSLER		408 ALTURA RD. ARCADIA, CA 91007
Brian HORN		2054 CALIFORNIA AVE Duarte CA 91010

CVMA

OWNER-GUARDIAN PETITION

CITY OF PASADENA

A group of animal rights activists is petitioning the Pasadena City Council to change the legal definition of pet "owner" to pet "owner/guardian." The Southern California Veterinary Medical Association and the California Veterinary Medical Association, along with a number of national pet organizations, warn that changing the definition has the potential to greatly confuse the legal rights and responsibilities of all pet owners.

CHANGING CITY CODE LANGUAGE FROM "OWNER" TO "OWNER/GUARDIAN" COULD HAVE SERIOUS AND COSTLY LEGAL CONSEQUENCES.

We the undersigned, respectively urge the Pasadena City Council to VOTE NO on the proposed ordinance to change the language in the city codes from "owner" to "owner/guardian".

PRINTED NAME	SIGNATURE	ADDRESS
Robert Pagnotta	R Pagnotta	Pasadena CA
John Abrahamson	John Abrahamson	Glendora CA
Joe Nieves	Joe Nieves	Glendora, Ca
CAROL OLSON	Carol M. Olson	476 ADAMAY St Pasadena 910
Lorraine Saito	Lorraine Saito	10811 Jefferson Bl. Culver City 902
Morgan Herbert	Morgan Herbert	7305 Belpine #126 R Ocean CA 9173
Kurt Madsen	Kurt Madsen	833 Magnolia Ave #2, Pasadena CA 9110
Elizabeth Matthias	Elizabeth Matthias	394 S. Los Robles #5 Pasadena 91101
Elizabeth Harsdorff	Elizabeth Harsdorff	2272 White St. #2, Pas. 9110

CVMA

OWNER-GUARDIAN PETITION

CITY OF PASADENA

A group of animal rights activists is petitioning the Pasadena City Council to change the legal definition of pet "owner" to pet "owner/guardian." The Southern California Veterinary Medical Association and the California Veterinary Medical Association, along with a number of national pet organizations, warn that changing the definition has the potential to greatly confuse the legal rights and responsibilities of all pet owners.

CHANGING CITY CODE LANGUAGE FROM "OWNER" TO "OWNER/GUARDIAN" COULD HAVE SERIOUS AND COSTLY LEGAL CONSEQUENCES.

We the undersigned, respectively urge the Pasadena City Council to VOTE NO on the proposed ordinance to change the language in the city codes from "owner" to "owner/guardian".

PRINTED NAME	SIGNATURE	ADDRESS
HARRY FAULKNER	Harry Faulkner	1110 N Hudson Ave
Alice Kakuda	Alice Kakuda	1630 Neil Armstrong St. #317

CVMA

OWNER-GUARDIAN PETITION

CITY OF PASADENA

A group of animal rights activists is petitioning the Pasadena City Council to change the legal definition of pet "owner" to pet "owner/guardian." The Southern California Veterinary Medical Association and the California Veterinary Medical Association, along with a number of national pet organizations, warn that changing the definition has the potential to greatly confuse the legal rights and responsibilities of all pet owners.

CHANGING CITY CODE LANGUAGE FROM "OWNER" TO "OWNER/GUARDIAN" COULD HAVE SERIOUS AND COSTLY LEGAL CONSEQUENCES.

We the undersigned, respectively urge the Pasadena City Council to VOTE NO on the proposed ordinance to change the language in the city codes from "owner" to "owner/guardian".

PRINTED NAME	SIGNATURE	ADDRESS
Heather Stephenson	Heather Stephenson	1766 Shady OAK Ct,
GREGORY Xanthull	Gregory Xanthull	1766 Shady OAK
Carlos Perez (Carlosbez)	Carlos Perez	5630 N ROCKVALE
SANdy Drake	Sandra Drake	1768 Shadycrest. Clyn
John Coyne	John Coyne	1758 Shadycrest Ct
Roy Garcia	Raymond	1653 CRYSTAL Canyon AZUSA

CVMA

OWNER-GUARDIAN PETITION

CITY OF PASADENA

A group of animal rights activists is petitioning the Pasadena City Council to change the legal definition of pet "owner" to pet "owner/guardian." The Southern California Veterinary Medical Association and the California Veterinary Medical Association, along with a number of national pet organizations, warn that changing the definition has the potential to greatly confuse the legal rights and responsibilities of all pet owners.

CHANGING CITY CODE LANGUAGE FROM "OWNER" TO "OWNER/GUARDIAN" COULD HAVE SERIOUS AND COSTLY LEGAL CONSEQUENCES.

We the undersigned, respectively urge the Pasadena City Council to VOTE NO on the proposed ordinance to change the language in the city codes from "owner" to "owner/guardian".

PRINTED NAME	SIGNATURE	ADDRESS
Norman R. Haynes	Norman R. Haynes	1220 Tropical Ave. Pas.
Susan C. Haynes	Susan Haynes	1220 Tropical Ave. Pas.

CVMA

OWNER-GUARDIAN PETITION

CITY OF PASADENA

A group of animal rights activists is petitioning the Pasadena City Council to change the legal definition of pet "owner" to pet "owner/guardian." The Southern California Veterinary Medical Association and the California Veterinary Medical Association, along with a number of national pet organizations, warn that changing the definition has the potential to greatly confuse the legal rights and responsibilities of all pet owners.

CHANGING CITY CODE LANGUAGE FROM "OWNER" TO "OWNER/GUARDIAN" COULD HAVE SERIOUS AND COSTLY LEGAL CONSEQUENCES.

We the undersigned, respectively urge the Pasadena City Council to <u>VOTE NO</u> on the proposed ordinance to change the language in the city codes from "owner" to "owner/guardian".

PRINTED NAME	SIGNATURE	ADDRESS
Patricia Brothers		[illegible]
Vicky Powers	Vicky Powers	1818 Sepulveda [illegible]
Renée Pearson	Renée Pearson	1818 Sepulveda Blvd [illegible]
Denise K. Nelson	Denise K Nel	1818 S. Sepulveda Blvd [illegible]
Nelson Weiss	Nelson Wei	1818 S. Sepulveda Blvd [illegible]
Laura Jacobs	Laura Jacobs	1818 S. Sepulveda [illegible]
Jessie Keleher	Jessie	1818 S Sepulveda [illegible]
Andrea Apisa	Andrea Apisa	1818 S. Sepulveda [illegible]
Carrie Smith	Carrie Smith	1818 S. Sepulveda [illegible]
ZOWIE VASQUEZ	ZX Vasquez	1818 S. SEPULVEDA BL LA [illegible]

CWMA

OWNER-GUARDIAN PETITION

CITY OF PASADENA

A group of animal rights activists is petitioning the Pasadena City Council to change the legal definition of pet "owner" to pet "owner/guardian." The Southern California Veterinary Medical Association and the California Veterinary Medical Association, along with a number of national pet organizations, warn that changing the definition has the potential to greatly confuse the legal rights and responsibilities of all pet owners.

CHANGING CITY CODE LANGUAGE FROM "OWNER" TO "OWNER/GUARDIAN" COULD HAVE SERIOUS AND COSTLY LEGAL CONSEQUENCES.

We the undersigned, respectively urge the Pasadena City Council to VOTE NO on the proposed ordinance to change the language in the city codes from "owner" to "owner/guardian".

PRINTED NAME	SIGNATURE	ADDRESS
Deborah Fluury	Deborah Fluury	1343 Ramona Blvd Baldwin PK CA 91706
Celia Vera		
Charles Godwin		2214 Santa Anita Ave El Monte, CA
Pat Gray	Pat Gray	13436 Ramona Blvd Baldwin PK CA 91706
Carol Serrano	Carol Serrano	4809 W. Ramona Pl Ontario 91762
R... Silva		
Lupe Gonzalez	L Gonzalez	2627 Brigden Rd Pas. 91107
Katie Yang	Katie Yang	2641 Dragon Dr CA 9170[illegible]

CVMA

OWNER-GUARDIAN PETITION

CITY OF PASADENA

A group of animal rights activists is petitioning the Pasadena City Council to change the legal definition of pet "owner" to pet "owner/guardian." The Southern California Veterinary Medical Association and the California Veterinary Medical Association, along with a number of national pet organizations, warn that changing the definition has the potential to greatly confuse the legal rights and responsibilities of all pet owners.

CHANGING CITY CODE LANGUAGE FROM "OWNER" TO "OWNER/GUARDIAN" COULD HAVE SERIOUS AND COSTLY LEGAL CONSEQUENCES.

We the undersigned, respectively urge the Pasadena City Council to VOTE NO on the proposed ordinance to change the language in the city codes from "owner" to "owner/guardian".

PRINTED NAME	SIGNATURE	ADDRESS
Marilyn J Twitchell DVM	Marilyn J Twitchell DVM	1818 S Sepulveda VCA LA CA 90025
Joanne Bak DVM	Joanne Bak DVM	1818 S sepulveda VCA LA CA 90025
Krista Schnabel VMD	Krista Schnabel	" "
Dean Sodel DVM	Dean Sodel	" "
Marina Cassimatis DVM	MARINA CASSIMATIS DVM	1818 S. Sepulveda Los Angeles CA 90025
Karen Campbell	Karen Campbell	1818 So Sepulveda Blvd Los Angeles CA 90025
Jarred Lyons, DVM	[illegible]	1818 S. Sepulved BLVD LA, CA, 90025
[illegible]	[illegible]	[illegible]
Robert J Abbott	Robert J Abbott	1818 S. Sepulveda LA CA 9002[illegible]
John D. Chretin	John D. Chretin	1818 S. Sepulveda

Rodriguez, Jane

From: Cindy L. Chick [cchick@charter.net]
Sent: Monday, August 02, 2004 5:27 PM
To: jrodriguez@cityofpasadena.net
Cc: mfuller@cityofpasadena.net
Subject: Pet Guardian Issue

Hi Jane -

Margo Fuller suggested that I send you my comments concerning the pet guardianship issue. So I'm appending two letters to the editor that I sent to the Star-News. Both were published, but it's been a while, so I thought I'd send copies in case they're helpful. I apologize for sending them so late in the day.

Cindy Chick
2154 Woodlyn Road
Pasadena, CA 91104

<<...>> <<...>>

Cindy L. Chick
2154 Woodlyn Road
Pasadena, CA 91104
626-798-3912 (home)
213-891-8242 (work)

August 20, 2003

RE: August 20th Article - Pasadena Pet Owners May Become "Guardians"

I have to admit that on the surface the idea of changing the term "pet owner" to "pet guardian" seems quite innocent in a warm and fuzzy kind of way, especially to those of us who love and cherish our pets. But it seems extremely naive to think that people would treat their pets differently if the law reads "guardian" than they would if they continue to be called "owners" by the City of Pasadena. I seriously doubt that the person who mistreats his/her dog will take any note of such a change and adjust their behavior accordingly. If only it were so easy.

In which case, the question arises, why does this organization, In Defense of Animals, and its spokesperson Elliot Katz, actively advocate this change in cities across the country? What is the motivation behind recommending a change in verbiage that, he insists to the Star News will have no legal effect? I asked myself that question, and reacted the way any good librarian does, by doing a little research on the topic.

I found several quotes in a variety of places that cast a great deal of light on the motivation of Elliot Katz and the organization he is associated with. One such quote appeared in the Christian Science Monitor, 9/27/99. According to Mr. Katz, "A guardian..refers specifically to someone who adopts or rescues an animal instead of purchasing a commodity....just as you don't buy a member of your family, animals should not be bought like inanimate objects with no interest or feelings of their own."

It was suddenly clear to me. Mr. Katz doesn't believe that we should have the right to buy, sell or own a purebred dog or cat.

So there's the crux of the matter, the hidden agenda, so to speak. Among other things, Dr. Katz wants to further his goal of the elimination of purebred dogs and cats by proposing an innocuous-sounding change to Pasadena's animal ordinances.

Though he told the Star News that he simply wanted to "have an impact on how people feel about pet ownership," he's obviously hoping for a much more far-reaching effect. In the Christian Science Monitor article he goes on to say "..many people still seem to be confused as to exactly what IDA expects to accomplish. Ultimately we want to elevate the status of animals from that of property to that of individuals with needs and rights of their own." On their web site they say that "when momentum is achieved, a legal test case will be sought."

I'm not a lawyer, but I believe that this change could in fact, have quite a profound legal effect, in more ways that I can cover in this letter. And that's exactly what Elliot Katz has in mind.

In no way would I ever want to discourage anyone from adopting a dog from a shelter or rescue group. It's a wonderful act of generosity and kindness. But don't try to limit my choice should I decide that purchasing and/or breeding a purebred animal is what I want to do.

Steve McNall of the Pasadena Humane Society should know better than try to limit the choices of the citizens of Pasadena. The City of Los Angeles knew better when they defeated a similar proposal recommending this change. I hope the Pasadena City Council will also see through this attempt to limit our choices when it comes to selecting an animal companion.

Cindy L. Chick
Pasadena

Cindy L. Chick
2154 Woodlyn Road
Pasadena, CA 91104
626-798-3912
213-891-8242

October 26, 2003

I'm disappointed that Mr. Katz refused to fully explain to Pasadena's citizens what he really expects the language change from pet "owner" to pet "guardian" to accomplish. There's no question that his recent letter to the editor (Oct. 21, 2003) doesn't tell the whole story.

He wishes us to believe that companion animals will be treated better as a result of the change, though he quotes no objective evidence to back up this claim. What happened in the other municipalities that changed their legal language? Have they experienced any reduction in the number of animal abuse cases? Are there fewer animals being abandoned? The truth is, I believe that even Mr. Katz realizes that the language change in and of itself will not change the fact that the guy down the street kicks his dog every morning, no matter how much we wish that it would.

That's because a change in terminology is just the beginning, the basis if you will, of a continuing campaign to redefine the legal status of animals. As Mr. Katz stated in the Christian Science Monitor, Sept. 27, 1999, "Legal language is the first step."

The first step towards what?

He has made it obvious he's hoping that the breeding and purchasing of purebred animals will be eliminated. "Guardians don't buy and sell animals, they adopt and rescue" according to Mr. Katz in the Patriot-News, August 15, 2003.

But there's much more. On the web site of "In Defense of Animals", the animal rights organization that Mr. Katz is associated with, there's a page called "The Guardian Campaign." It states that "To transform their social and moral status from property to living beings with their own needs and interests initially requires language changes from "owner" to guardian ..... When momentum is achieved, a legal test case will be sought." This minor change is starting to sound much more significant. And guess what? Apparently the courts will have to step in to make sure we don't "exploit" our companion animals.

What might this mean for us? Suddenly the sky is the limit on lawsuits regarding animals that were previously relegated to small claims court And let's face it more expensive lawsuits always result in more expensive insurance.

If you're a pet owner, be prepared for higher vet bills, because these changes also lay the groundwork for higher malpractice awards against veterinarians, which will inevitably

result in higher bills for us. There's a good chance that some people will no longer be able to afford treatment for their pets.

I suspect there are other possible ramifications for pet owners. Who will decide whether I'm a fit guardian for my dog absent obvious abuse? If I breed my purebred dog will the puppies be confiscated? If I adopt from a shelter, can the shelter reclaim the dog based on their idea of "appropriate guardianship"? Who will define "exploitation"? If I take my dog to a dog show, will I be "exploiting" him? What will happen to Seeing Eye and other assistance dogs? Will they be saved from "exploitation"? I don't know the answer to these questions.

I appreciate the fact that Mr. Katz wants to improve the treatment of animals. So do I. However, I disagree on how to accomplish that goal. I also strongly feel that the citizens of Pasadena have a right to know what this ordinance change may signify. Only then can an informed decision be made.