
TO: CITY MANAGER **DATE:** 2009 September 15

FROM: CITY SOLICITOR

SUBJECT: ESTABLISHMENT OF TEMPORARY ATHLETIC COMMISSION

PURPOSE: To advise Council of the Feasibility and Advisability of Establishing a Temporary Athletic Commission

RECOMMENDATIONS:

1. **THAT** Council receive this report for its information.
2. **THAT** a copy of this report be sent to Punch-Out Promotions.

REPORT

At its regular meeting of September 14, 2009, Council received a delegation from Punch-Out Promotions requesting Council to establish a temporary athletic commission to sanction a professional boxing event in Burnaby on October 31, 2009. Council requested that staff provide a report on the feasibility and advisability of doing so.

Under s.83 of the *Criminal Code* it is a criminal offence to engage in or promote a prize fight without the permission of an athletic commission established under the authority of the Provincial Legislature.

Pursuant to the provisions of the *Community Charter*, the Province has authorized municipalities to establish athletic commissions. Under Division 4 of Part 5 of the Charter – “Committees, Commissions and Other Bodies”, Council is empowered to establish committees and commissions and to delegate, within limits, its powers and duties to such committees and commissions.

Specifically, the Charter authorizes Council, by bylaw, to establish an athletic commission and to authorize the commission to make rules regulating professional boxing, wrestling and similar activities and contests, to impose fines for misconduct and to impose time limited suspensions on participants. There is no restriction in the Charter as to the term for which Council may appoint a member to the commission. Accordingly, Council could appoint an athletic commission for any limited period of time.

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With three scheduled regular Council meetings before October 31, 2009, it is technically possible to enact a bylaw and appoint a commission. However, the commission would still have to hold its own meeting to sanction the event and would need to meet the requirements of the Procedure Bylaw in that regard, including notice of the time and place of the meeting and the keeping of minutes.

In staff's view the regulation of professional boxing in the City and the establishment of an athletic commission are matters that require careful consideration on the part of Council and sufficient information to make informed decisions. Professional boxing carries with it the risk of serious personal injury to the participants and potential liability to the City for permitting the activity. It is simply a matter where the City should not put expediency ahead of thoughtful and informed consideration.

Staff are advised that it took the City of Richmond over a year to establish its athletic commission. Considerable research into best practices and legal issues was undertaken, and careful consideration given to factors such as:

- mitigation of risk;
- specific limitations on the power and authority to be delegated to the commission; and
- the types of combative sports that would be permitted in Richmond.

The Athletic Commission Bylaw ultimately adopted by Richmond is 26 pages in length, and covers such matters as:

- establishment and powers (in specific detail) of the commission;
- appointment of members;
- commission meetings;
- promoter responsibilities;
- insurance, indemnities and waivers;
- permit and license fees;
- appeals to Council; and
- Boxing rules and regulations (14 pages and over 100 sections covering permits, advertising, participant licenses, discipline, medical examinations and treatment, drugs, women boxers, championship contests, equipment and officials).

Staff have no experience in this area and would have difficulty at this time in making recommendations on the content of the bylaw or establishing criteria and qualifications for the recommendation to Council of potential commissioners.


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If a commission was to be created by bylaw prior to October 31, 2009, there would be little option but to delegate all rule making powers to the commission without sufficient time to develop parameters to ensure safe and appropriate boxing events.

The *Community Charter* does not permit an athletic commission constituted by one municipality to sanction events outside of that municipality's boundaries.

Given the inherent dangers in professional boxing, staff would recommend that Council take an informed and considered approach to the establishment of an athletic commission. Putting a bylaw in place for October 31, 2009 simply does not provide an opportunity to do so.

Staff will research and gather background information on the process and time frame required to establish an Athletic Commission by reviewing best practises and legal issues. A report with this information will be presented to Council in the future.



Bruce Rose
CITY SOLICITOR

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Copy to: Director Parks, Recreation and Cultural Services