AGENDA ITEM
Temporary Grazing of Livestock Along Roadsides Policy
May 23, 2019

BACKGROUND

Lacombe County Council, in response to dry conditions in parts of the County, passed a motion at the August 9, 2018 regular Council meeting to temporarily allow grazing of livestock in County ditches.

C/472/18 Moved by Mrs. Knight that the County Manager be directed to develop a program to permit grazing in ditches; and further, that this program be advertised in the County News, on the County website and the County Facebook page.

Carried Unanimously.

ANALYSIS:

Administration presented to Council a draft policy at the Council Committee of the Whole Meeting, April 1, 2019.

“Mr. Burlock presented Policy AG(15) Temporary Grazing of Livestock Along Roadsides. Due to dry conditions in areas of the County at the August 9, 2018 Council meeting, the County Manager was directed to development a program permitting grazing in ditches. As a result Policy AG(15) has been developed to provide temporary grazing of livestock along roadsides. Mr. Burlock provided an overview of Policy AG(15). Mr. Burlock addressed questions of Council.

RECOMMENDATION:
That Policy AG(15) Temporary Grazing of Livestock along Roadsides be presented for Council’s consideration at a future meeting.”
The draft Policy AG(15) Temporary Grazing of Livestock along Roadsides was forwarded onto Daina J. Young of Reynolds Mirth Richards and Farmer LLP for legal opinion.

Ms. Young provided the following comment:

“The only additional comment I wanted to make was with respect to liability and insurance. The Agreement contains an indemnity in favour of the County, which is good, however the issue with indemnities is that they are really only useful to the extent that the person providing the indemnity has the assets to back it up in the event of a claim. The way we would typically address this issue, and protect the County, would be to either include a clause requiring the landowner to have insurance covering their activities on the grazing area; or to have the County confirm with their insurer that the landowner’s activities on the grazing area would be within the scope of the County’s coverage.

If you were to require the grazer to obtain the insurance, I would suggest wording similar to the following in the Agreement:

The Grazer shall at its sole cost and expense and, upon execution of this Agreement, provide the County with evidence of general liability insurance coverage regarding the Grazing Area and permission to use the Grazing Area granted herein, in a form and on terms and conditions satisfactory to the County. The insurance shall be for an amount not less than FIVE MILLION ($5,000,000.00) DOLLARS per incident and the County shall be an additional insured thereunder. The insurance coverage shall contain a provision that it shall not be cancelled or materially altered without thirty (30) days written notice to the County.”

ALTERNATIVES:

Council has the following options:

1. Adopt the Policy AG(15) Temporary Grazing of Livestock along Roadsides as presented.
2. Adopt the Policy AG(15) Temporary Grazing of Livestock along Roadsides with the following addition to Schedule “A”:

“The Grazer shall at its sole cost and expense and, upon execution of this Agreement, provide the County with evidence of general liability insurance coverage

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regarding the Grazing Area and permission to use the Grazing Area granted herein, in a form and on terms and conditions satisfactory to the County. The insurance shall be for an amount not less than FIVE MILLION ($5,000,000.00) DOLLARS per incident and the County shall be an additional insured thereunder. The insurance coverage shall contain a provision that it shall not be cancelled or materially altered without thirty (30) days written notice to the County.”

Based on inquiry to a local insurance provider, the estimated cost of purchasing FIVE MILLION ($5,000,000.00) DOLLARS in general liability insurance would be FIVE HUNDRED ($500.00) DOLLARS annually.

BUDGET IMPLICATIONS

Administration support is budgeted in the 2019 Agriculture Services Operations Budget.

LEGISLATIVE RESPONSIBILITIES

Section 2 of the Agricultural Service Board act states the duties of an agricultural service board are:

(d) to promote, enhance and protect viable, sustainable agriculture with a view to improving economic viability of the agricultural producer, and
(e) to promote and develop agricultural policies to meet the needs of the municipality

STRATEGIC PLAN

The following elements of the County’s Strategic Plan are relevant to this issue:

Our Vision
“An attractive, balanced, prosperous and progressive community”

Our Mission
“Building a safe and vibrant community through leadership, innovation and the development of healthy relationships.”
**Our Key Principles**

“Recognizing our history and solid foundation, we approach the role of providing the best possible level of municipal services for our citizens through a collaborative and supportive teamwork.”

**RECOMMENDATION**

That Council approve the following resolution:

*That County Council adopt the Temporary Grazing of Livestock along Roadsides AG (15) Policy as presented.*

**PREPARED BY:** Dion Burlock, Manager Agriculture and Environmental Services

**REVIEWED BY:** Keith Boras, Director of Community Services

**REVIEWED BY:** Tim Timmons, County Manager