

2012-62(b)

**RESOLUTION PROHIBITING DISCRIMINATION  
ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY**

City of Muskegon  
County of Muskegon, State of Michigan

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WHEREAS, federal and state laws prohibit discrimination based on race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, and family status.

WHEREAS, the City of Muskegon ("the City") acknowledges the need and desire for protection of the additional categories of sexual orientation, or gender identity.

WHEREAS, the City defines "sexual orientation" as male or female homosexuality, heterosexuality or bisexuality, whether by orientation or practice. Sexual orientation does not include the physical or sexual attraction to a minor by an adult.

WHEREAS, the City defines "gender identity" as a person's actual or perceived gender, including a person's self-image, appearance, expression, or behavior, whether or not that self-image, appearance, expression, or behavior is different from that traditionally associated with the person's biological sex as assigned at birth as being either female or male.

NOW, THEREFORE, BE IT RESOLVED THAT:

As to all City-provided services, the City shall not discriminate on the basis of sexual identity or sexual orientation.

The City shall not adopt, enforce or employ any policy or requirement, or publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing services based on sexual identity or sexual orientation.

No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this resolution.

No person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities with regard to City-provided services according to sexual orientation or gender identity.

The prohibitions against discrimination as provided for in this resolution shall not be deemed preempted by federal or state law, but are intended to supplement state and federal civil rights law prohibiting discrimination in the area of City-provided services; provided, however, this resolution shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

Nothing in this resolution shall require preferential treatment of any person or group on the basis of sexual orientation or gender identity.

AYES: Members Spataro, German, Wierengo, Turnquist,  
Markowski, Gawron, and Hood

NAYS: Members None

RESOLUTION DECLARED ADOPTED.

CITY OF MUSKEGON

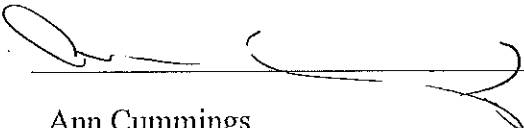
By: 

Ann Cummings  
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 14<sup>th</sup> day of August, 2012, at which meeting a quorum was present and remained throughout, and that the original of said resolution is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No, 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: August 14, 2012



Ann Cummings  
Clerk, City of Muskegon