

**AN ORDINANCE APPROVING A FIRST AMENDMENT TO PERFORMANCE AGREEMENT BETWEEN THE CITY OF HAZELWOOD, MISSOURI AND MITEK USA, INC.**

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**WHEREAS**, the City of Hazelwood, Missouri (the “City”) and Mitek USA, Inc. are parties to a Performance Agreement to a Performance Agreement dated as of January 1, 2018 (the “Original Performance Agreement”), which was executed in connection with certain tax abatement and exemption incentives for the Company’s facility located at 310 James S. McDonnell Boulevard in the City; and

**WHEREAS**, the City and the Company desire to amend the Original Performance Agreement, as provided in **Exhibit A** attached hereto and in light of material changes to the labor market since 2018, for the purpose of revising certain job and payroll requirements that must be satisfied by the Company to avoid additional payments under the Original Performance Agreement;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI, AS FOLLOWS:**

**SECTION 1. First Amendment to Performance Agreement.** The City is hereby authorized to enter into the First Amendment to Performance Agreement in substantially the form of **Exhibit A** attached hereto (the “First Amendment”) with such changes therein as shall be approved by the officials of the City executing the documents, such officials’ signatures thereon being conclusive evidence of their approval thereof. The City Manager is hereby authorized to execute the First Amendment and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk is hereby authorized to attest to and affix the seal of the City to the First Amendment and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**SECTION 2. Effective Date.** This Ordinance shall take effect and be in full force immediately after its passage by the City Council.

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**PASSED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the  
Council of the City of Hazelwood, Missouri.**

\_\_\_\_\_  
Matthew G. Robinson - Mayor  
City of Hazelwood, Missouri

ATTEST:

\_\_\_\_\_  
Julie Lowery, CMC - City Clerk  
City of Hazelwood, Missouri

APPROVED AS TO FORM:

\_\_\_\_\_  
Kevin M. O'Keefe - City Attorney  
City of Hazelwood, Missouri

**EXHIBIT A**

**FIRST AMENDMENT TO PERFORMANCE AGREEMENT**

(On file in the office of the City Clerk)