

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE  
AN AMENDED AND RESTATED ECONOMIC INCENTIVE AND  
JOB PRESERVATION AGREEMENT WITH APPLIED MEDICAL  
TECHNOLOGY, INC. (AMT), AMERICAN TECHNOLOGY, INC.,  
AUXANO MEDICAL, LLC AND APPLIED MEDICAL RESEARCH, INC.  
CONCERNING THE GRANTING BY THE CITY OF CERTAIN  
INCENTIVES TO CREATE AND PRESERVE JOBS WITHIN THE  
CITY OF BRECKSVILLE AND TO REPEAL ORDINANCE NO. 5519;  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Brecksville and AMT desire to amend the original Economic Incentive and Job Preservation Agreement dated November 19, 2013; and

**WHEREAS**, the City has paid certain economic incentives to AMT in exchange for a contractual obligation to maintain a presence and its aggregate payrolls subject to the City's Municipal Withholding Income Tax and net profits subject to the City's Corporate Tax within the City of Brecksville, for an additional number of years; and

**WHEREAS**, at its meeting of June 7, 2022, council adopted Ordinance No. 5519 authorizing the Mayor to execute a Restated and Amended Economic and Job Preservation Agreement with Applied Medical Technology Inc.; and

**WHEREAS**, the Economic Incentive and Job Preservation Agreement was never executed; and

**WHEREAS**, Ordinance No. 5519 must be repealed.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Mayor be and is hereby authorized to execute an Amended and Restated Economic Incentive and Job Preservation Agreement on behalf of the City of Brecksville with AMT relating to the creation and preservation of jobs within the City of Brecksville and the State of Ohio, a copy of such Agreement is attached hereto, expressly made a part hereof by reference and marked Exhibit "A."

**SECTION 2.** The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof, and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available, non-tax revenue, funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof and is further directed to issue vouchers of this City in the amounts and for the purposes as expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

**SECTION 3.** Ordinance No. 5519 is hereby repealed.

**SECTION 4.** The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the Company's need to maintain their businesses within the City and to maintain their

payroll and net profits, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED:\_\_\_\_\_

APPROVED:\_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK OF COUNCIL