

403.16 Personal interest prohibited.

1. For purposes of [this section](#):

a. "Action" does not include resolutions advisory to the local governing body or agency by any citizens group, board, body, or commission designated to serve a purely advisory approving or recommending function under [this chapter](#).

b. "Action affecting such property" includes only that action directly and specifically affecting such property as a separate property but shall not include any action, any benefits of which accrue to the public generally, or which affects all or a substantial portion of the properties included or planned to be included in such a project.

c. "Participation" does not include discussion or debate preliminary to a vote of a local governing body or agency upon proposed ordinances or resolutions relating to such a project or any abstention from such a vote.

2. A public official or employee of a municipality, or board or commission of a municipality, and a commissioner or employee of an urban renewal agency, which has been vested by a municipality with urban renewal project powers under [section 403.14](#), shall not voluntarily acquire any personal interest, whether direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of such municipality, or in any contract or proposed contract in connection with such urban renewal project. Where an acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or has owned or controlled within the preceding two years, any interest proscribed in [this section](#), whether direct or indirect, in any property which the official, commissioner, or employee knows is included or planned to be included in an urban renewal project, the official, commissioner, or employee shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body. Any such official, commissioner, or employee with an interest proscribed in [this section](#) shall not participate in any action by the municipality, or board or commission of the municipality, or urban renewal agency affecting such property, which is proscribed in [this section](#).

3. Employment by a public body, its agencies, or institutions or by any other person having an interest proscribed in [this section](#) shall not be deemed an interest by the employee or of any ownership or control by the employee of interests of the employee's employer. Such an employee may participate in an urban renewal project so long as any benefits of such participation accrue to the public generally, such participation affects all or a substantial portion of the properties included or planned to be included in such a project, or such participation promotes the public purposes of such project, and shall limit only that participation by an employee which directly or specifically affects property in which an employer of an employee has an interest.

4. The designation of a bank or trust company as depository, paying agent, or agent for investment of funds shall not be deemed a matter of interest or personal interest proscribed by [this section](#).

5. Stock ownership in a corporation having such an interest shall not be deemed an indicia of an interest, or of ownership or control by the person owning such stocks, proscribed by [this section](#) when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such person.

6. The limitations of [this section](#) shall be construed to permit action by a public official, commissioner, or employee where any benefits of such an action accrue to the public generally, the action affects all or a substantial portion of the properties included or planned to be included in such a project, or the action promotes the public purposes of such project. The limitations of [this section](#) shall be construed to limit only that action by a public official, commissioner, or employee which directly or specifically affects property in which such official, commissioner, or employee has an interest or in which an employer of such official, commissioner, or employee has an interest. Any disclosure required to be made by [this section](#) to the local governing body shall concurrently be made to an urban renewal agency

which has been vested with urban renewal project powers by the municipality pursuant to the provisions of [section 403.14](#). A commissioner or other officer of any urban renewal agency, board, or commission exercising powers pursuant to [this chapter](#) shall not hold any other public office under the municipality, other than the commissionership or office with respect to such urban renewal agency, board, or commission. Any violation of the provisions of [this section](#) shall constitute misconduct in office, but ordinance or resolution of a municipality or agency shall not be invalid by reason of a vote or votes cast in violation of the standards of [this section](#) unless the vote or votes were decisive in the passage of the ordinance or resolution.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.16]

[2020 Acts, ch 1063, §213](#); [2021 Acts, ch 80, §243](#)

Section amended