

Date : 4/19/2020 4:35:27 PM

From : "Topousis, Thomas A"

To : "Jamie Malanowski"

Subject : notes

Attachment : MDR and SB notes.docx;

Hi Jamie. I filled in a few details. I can work do to more tonight and tomorrow.

Added some of my own info in parenthesis.

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Last week of February in Albany, we were watching the virus metastasize on the West Coast.

That prompted concerns about what we would do, what we could do in New York if the virus spread to New York.

Closest precedent we could think of was 9/11.

The governor directed us to look back to 9/11 so that we could see how Governor Pataki exercised his legal authority on 9/11

We found that the governor only had authority to suspend laws, not to direct laws

We called a meeting of the Legislative leaders... agreed that the governor would send up a bill calling for \$40 million to attack coronavirus... but the support for funding did extend to giving the governor added power during the emergency

(According to the calendar, the legislature was in session Monday Feb 24 through Thursday Feb. 27.)

Melissa working with Shantel (in the state Senate, chief of staff to Andrea Stewart Cousins).

After the funding was approved (this would have had to been an agreement among leaders since the legislation was not voted on till early the next week), the governor personally wrote legislation to give him the authority he would need to manage a pandemic crisis in New York...

Such as closing schools, New York Pause, even today's (Saturday's) announcement.

(according to the release, Gov announced in conjunction with NJ and Conn, that marinas, boatyards and marine manufacturers would be allowed to open for personal use as long as strict social distancing and sanitizing protocols are followed.)

The law would give us the ability to in real time **to write local laws**

From the NY Post, 3/3: "The legislation expanded Cuomo's powers to declare an emergency and even suspend laws state or local laws in their entirety with little oversight from lawmakers."

We spent the weekend negotiating the bill.

We threatened a game of chicken. That evening (we need to get that date) Dr. Zucker called to say we had our first confirmed case of coronavirus

The confirmation came through the state lab at Wadsworth so no one knew about it but us

The statement was drafted carefully without violating HIPPA, but included more detail than usual: the case was a healthcare worker who had just returned from Iran, was self-quarantined, husband was not positive, etc.

Sunday night, the first (of March) I called Emma Wolf at City Hall... Told her we were planning a meeting in Albany, wanted the mayor there along with health care industry, hospitals.

We wanted the mayor to fly up to Albany by helicopter

Emma Wolfe said the mayor could not leave the city with the first confirmed case.

We agreed to have the governor fly down to NYC, but first he did national hits with CBS and CNN before leaving.

At 633, had a meeting. Mayor joined along with the heads of every hospital. More media in attendance than at any other time in the governor's tenure

We talked about the need for more testing ... we explained what the coronavirus is, the mortality rate.

At the time of the presser, the CDC messaging was that the coronavirus was like the flu, telling people to remain calm and go about their lives, the mortality rate was said to be 1.2 to 1.6 compared with the flu at .6

We had a long conversation about testing and lab ramp up by private labs

(gov wanted to expand beyond CDC and newly won approval for Wadsworth, first lab outside CDC to get approval, to include a wide range of labs in the state.) ...

We had the best hospital system, pull together to ramp up tests, remain calm...

As for the victim, seen as the best person if anyone got infected because as a health care worker she knew exactly what precautions to take.

On Monday, flew to Albany. Had an update call with VP Pence. The usual perfunctory call... we still went about life as normal. We even had a meeting with to talk about the Environmental Bond Act (the signature proposal from the SOS).

Melissa was working with the legislature to push passage of the funding and emergency powers law. Push back from lawmakers was that it gave too much power to the governor.

Monday, late in the day, we believed we had a deal. The Senate was locked in ... But the Assembly went sideways.

Nonetheless, we vowed to send the bill to the Senate then we struck a deal with the Assembly, but the Senate had already gaveled out. We convinced the Senate to gavel back in and they brought the house back to pass the bill

Complaints from opponents said it was a gross overreach of power. Republicans lost their minds (clips show progressive Democrats were also opposing it.)

But Andrea Stewart Cousins stood up and we had to give the governor the power he needed.

The next morning (Tuesday) The governor signed the bill in the Red Room. Against senior staff advice, the governor insisted on inviting legislative leaders. Senior staff said they would not come. But they all did.

In the end, they saw that this was bigger than they first thought... they did the right thing. They rushed over for the bill signing.

At the time, they knew there was only one case. But we knew there were going to be more.

ASC knew there was something going on in her district, which included New Rochelle. In the conference room, ASC asked about the possible additional case, she apparently knew it was in her district

We realized within an hour one guy (the additional case in New Rochelle) had been to three religious services.

ASC told the press the case was in New Rochelle even though we didn't want to be more specific than Westchester County

New results were coming through Wadsworth, which was the first lab outside the CDC to get the authority to conduct tests after the governor made his case to the White House.

So, backpedaling a bit, the governor leaned about that approval from Vice President Pence while attending an Islanders game at the Nassau Coliseum – (part of our announcement about the ongoing effort to move the team back to Long Island)

Gov at a gaggle, tells Tom Feeney he has to step away to take a call. He went to his truck to take the call from Pence. We got Wadsworth approved (was it Friday the 28th ?) and on Saturday we got the first confirmed case through Wadsworth the first day NY began its own testing.

We continued the fight to get 28 other labs brought on line for covid testing in New York